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THE

STANLEY

PAPERS.

PART III.

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M.DCCC.LXVII.

PRIVATE DEVOTIONS

AND

MISCELLANIES

OF

JAMES SEVENTH EARL OF DERBY, K.G.

WITH A

PREFATORY MEMOIR

AND AN

APPENDIX OF DOCUMENTS.

EDITED BY

THE REV. F. R. RAINES, M.A., F.S.A.,

HONORARY CANON OF MANCHESTER; VICAR OF MILNROW;

AND RURAL DEAN.

VOL. 2.

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From a picture in the collection at Knowsley Hall

On the morning of the 1st of October the earl was again brought to the bar. His defence was clear and unanswerable. He declared the nature of a court-martial and the order and axioms thereof, as far as concerned his own case. He pleaded that quarter for life was given him by captain Edge, which he was able to prove; that the powers of the court were limited, as the act gave no new rules; that he was the first man ever tried by a court-martial after quarter given; and that promises made by commanders were inviolable. He pleaded that the act of the 12th of August did not include or mention the Isle of Man, and he appealed from the court to the lord-general Cromwell.

The court, without replying to the arguments which had been adduced, then debated whether it ought to proceed to sentence, according to the act of the 12th of August, supposing the plea of quarter to be valid; and it was resolved by all the members, except colonel Twisleton and captain Delves, that sentence should be pronounced in accordance with the said act, notwithstanding the plea of quarter.

At the sitting of the court in the afternoon of this day, his lordship's plea being overruled, it was summarily decreed that the earl of Derby was guilty of a breach of the act of the 12th of August, and was worthy of death; and that he should be put to death at Bolton on the 16th[23] of this present month, by severing his head from his body.[24]

[23] This is the date in the original paper. How it happened that the execution took place on the 15th is no where stated.

[24] This account of the court-martial is abridged from the original manuscript in the library of the house of lords.

No sooner was sentence "denounced" but the earl was remanded to the place from whence he came; and it was reported that, in hope of obtaining mercy, he voluntarily wrote the letter, already printed,[25] to his wife, advising her to surrender the Isle of Man, and to submit to the Government.[26]

It is impossible to read the report of the proceedings of the court-martial, as given by its president to Cromwell, without arriving at the conclusion, that a more important trial was never held in this country, nor one in which justice, law and equity were more flagrantly disregarded; and it could not fail to be looked upon with absorbing interest by the entire community. Qualifications, exceptions, doubtful acts, and the ordinary laws of religious, moral and political action were all superseded, and nothing was allowed to exercise a disturbing influence on the decision of the court-martial. There might be at that time lawyers in England whose strong partisanship would induce them to support such proceedings as took place at this mockery of justice; but there was not, even in that stormiest epoch of English liberty, a single judge who, in his private capacity, would doubt for a moment that lord Derby was murdered, or, as the honest, outspoken Lancashire people said, martyred, and it may be added, from strong presumptive evidence, to gratify the vengeance of some influential members of the usurping Government.

When it is considered that his lordship's defence before

[25] See pp. cc–ccii. [26] Somers' *Tracts*, vol. ii. p. 504.

the court was hastily prepared, and delivered almost extemporaneously, it affords no slight proof of his mental power.[27] Had argument, reason, justice, or a regard to an uniform course of precedents, swayed the majority of his judges, it could not have been ineffectual.

Lord Strange was probably in France at the time his father became a prisoner of war. In some remarks made by the commissioners for compounding with delinquents (16th January 1650-1) to the occupants of Whitehall, concerning an application by lord Derby's children for a portion of their sequestration arrears, it was stated that "all the children, except two daughters, were out of the Parliament's obedience, some being in France and others in the Isle of Man."[28]

As soon as lord Strange heard of his father's imprisonment he hastened to him. He had probably experienced difficulty in obtaining an interview, and therefore, on Saturday the 20th of September, presented a petition to the privy council, desiring leave for himself and lady Strange to visit the earl at Chester. He was informed, in reply, that there was no restraint imposed upon him, and that the council knew no need of any pass or leave to be granted for the purpose. They also added, somewhat tartly, that the council were not in the habit of granting passes within England.[29]

On arriving at Chester lord Strange found not only the

[27] See Appendix. This Defence is printed verbatim from the large quarto manuscript book at Knowsley.

[28] State Pap. Roy. Compos. Papers, vol. xix., 1st series.

[29] Dom. Interregn. Draft Order Book, 50-66.

castle but some of the churches full of prisoners, and he rightly judged, from the aspect of affairs, that the projected proceedings against his father were not likely to be favourable to the cause of law and justice. The contest was unequal. On the one hand an influential power in the State was cautiously yet actively at work. There were unscrupulous witnesses ready, mercenary informers at hand, factious opponents, obsequious judges, an illegal court, and a foregone conclusion. On the other hand there was a wounded soldier of singular loyalty impeached on a charge of high treason, and he was refused all the ordinary means of defence. Nor was any appeal from any quarter to the State authorities on his behalf likely to be regarded, as colonel Dukinfield, having sounded the Government on the subject, was informed by the secretary of the Whitehall council, on the day the court was opened at Chester, "For what you mention of the earl of Derby, order hath been given concerning him by the Parliament, which is effectually to be pursued, without expecting any interposition whatever from the council."[30]

On the 29th of September, being the first day on which the court-martial opened its proceedings, and probably immediately on the adjournment of the court on the evening of that day, lord Strange and other advisers of the earl urged, with reasonable anxiety, that two petitions should be forthwith prepared — the one to be addressed to the lord-president and the council, and the other to the Parliament,

[30] Dom. Interregn., 117, 561.

in the name of the prisoner, and praying that his life might be spared:

To the Right Honoble the Lord Presidt and Councell of State for the Nation and Comon Wealth of England.

The humble Peticon of James Earle of Derby,

Sheweth — That yor Petr hath unfortunately beene in armes in the late warres and is yor prisoner; and his wife being in the Isle of Man, not knowing of his sad condition, and the strength of that Island being under her comand, to whome yor Petr cannott send any direction concerneing the same; and yor petr haveing formerly, by letter, certifyed his willingnes to have the military strength of that Island delivered to the power of the Parliamt of England, upon such condicon, and wth respect to the Petr, his wife and children and their deploreable estate, as in the mercye and indulgence of the Parlt, and of the renowned Lord Generall, should be thought fitt.

Yor petr doth thereupon most humbly supplicate this honoble Councell of State to mediate and intercede for him upon this annexed Peticon to that high court of Parliamt for such good condicons as in their great goodnes and wisdomes they shall vouchsafe; and that for the better and more speedy effecting of theire comands therein, that yor Petr may have libertye to send over some discreet and able pson to the island to his wife, such as she may relye upon, to th'end she may be ppared to performe the comands of the Parlt thereupon.

And yor Petr will pray for yor honrs, &c.

29 Sept 1651. DERBY.[31]

Inscribed: "Petition of James Earle of Derbie: desires the Councell would intercede to the Parlamt for the saveing his life."

The second petition was as follows:

[31] Dom. Interregn., 668, 64.

To the supreame authoritie, y^e^ Parliam^t^ of the Coñon Wealth of England.

The humble Peticõn of James Earle of Derby, Prisoner in[32] the Castle of Chester,

Sheweth — That yo^r^ Pet^r^ in all humilitie acknowledgeth hee is conscious to himselfe that in the midst of the late great and various changes of the Coñon Wealth he hath most justly incurred the penalty of the Lawes[33] and the displeasure of the Supreme Judicature.

That nevertheless yo^r^ Pet^rs^ hope and confidence is, that in the middest of his miserye and of yo^r^ hono^rs^ judgm^t^ yo^u^ wilbe pleased to imitate the most high God (who exalts himselfe to be gracious) and extend yo^r^ favour and goodnes, not onely to yo^r^ Pet^r^, but more especially to his lady and harmlesse posteritye, in that eminent manner, that in all time to come itt may be as an indissoluble obligacõn on him and them, for ever hereafter, to deserve and endeavour the future peace and prosperitie of this Coñon Wealth.

That in assurance thereof yo^r^ Pet^r^ to ꝑcure mercye to him and his, doth freely cast downe himselfe w^th^ all that hee hath in this Coñon-wealth, togeather w^th^ all his militarye power, both by sea and land, in the Isle of Man (though he humbly conceives itt [to] be a distinct interest from England), togeather with all the forts, castles, magazines, ordinances, and aṁunition, and the shipps and barques belonging to yo^r^ Pet^r^ therein, att yo^r^ hono^rs^ feet; and onely humbly implores yo^r^ mercye to himselfe, and those in relacõn to him, hee being willing and readye to coṁission a messinger to his Ladye w^th^ his order and injunction to her, and those under him, w^th^ coṁand therein forthw^th^ to deliver the same for yo^r^ service, to such as yo^u^ shall substitute thereunto.

And yo^r^ Pet^r^ and all his, for yo^r^ mercies and bounties to him and them, shall (as in dutye bound) ever pray for yo^r^ Hono^rs^,

29 Septemb^r^ 1651. DERBY.[34]

[32] First written "of," but corrected. [33] First written "Lords."

[34] Dom. Interregn., 668, 61.

Inscribed in another hand: "Petition of James Earle of Derbie: desires his life may be spared."

Lord Strange was probably the instigator, as he was undoubtedly the bearer of these petitions to London, having proceeded thither "with exceeding concern and passion"[35] for his father's welfare, and with untiring haste and earnestness sought to have them presented to the authorities, in order, if possible, to arrest the hand that had struck down his father. It appears that he could not get a single member to present the petition to the commons, and it would probably be after presenting the other address that he returned from London to Chester, "in one day and night," after performing, as Seacome relates, marvels of horsemanship.[36] Although the earl's plea had been over-ruled by the court-martial, and his other efforts to obtain mercy had been ineffectual, he still had faith in the virtue of public men, and a direct appeal was now made by him to Cromwell, as lord-general, in the following terms:

To the Right Honourable His Excellency the Lord-General Cromwell.

The humble Petition of James Earl of Derby, a sentenced prisoner in Chester,

Sheweth — That it appeareth by the annexed what Plea your Petitioner hath urged for life in which the Court-martial here were pleased to over-rule him. It was a matter of Law, and a point not adjudged nor presidented in all this Warre; and the plea being only capable of appeale to your Excellency, whose wisdom will safely resolve it, and your Petitioner being also a prisoner to the High Court of Parliament in relation to his rendition of the

[35] Seacome's *Hist.*, p. 318. [36] *Ibid.*, p. 319.

Isle of Man: In all he most humbly craves your Excellency's grace, that he may as well obtain your Excellency's judgment on his plea as the Parliament's mercy, with your Excellencie's favour to him, and he shall owe his life to your Lordship's service, and ever pray, &c.

DERBY.[37]

Nor were the friends of the earl deterred by their want of success in these quarters from pressing other interests to have his life spared. President Bradshaw himself was applied to through the medium of his brother, colonel Henry Bradshaw of Marple, one of the earl's judges.[38] Brideoake, one of the earl's chaplains, and whose constancy to his master forms the best feature of his character, presented the following letter to Lenthall, dispatched from the prison at Chester, and urged the earl's suit "with so much more than ordinary reason and application"[39] that he obtained for himself Lenthall's chaplaincy and the preachership of the rolls; but failed in obtaining lord Derby's pardon:[40]

To William Lenthall, Esq., Speaker of the House of Parliament.

S[r],—Being now, by the will of God, for ought I know, brought to the last minutes of my life, I once more humbly pray the Parliament will be pleased to heare me before my death. I plead nothing in vindication of my offences, but humbly cast myselfe downe at the Parliament's feete, begging their mercy.

I have severall times addrest my humble petition for life, and now again crave leave to submit myself to their mercy, with the assurance that the Isle of Man shall be given up to such hands as

[37] *Civil War Tracts*, p. 314; *Lanc. Warr*, p. 79.
[38] Ormerod's *Hist. Chesh.*, vol. ii. p. 410. [39] Wood's *Athen. Oxon.*, vol. iv. p. 859. [40] Ormerod's *Civil War Tracts*, p. 314.

the Parliament entrust to receive it; with this further engagement (which I shall confirm by sureties) that I shall never act or indeavour anything against the establisht power of this nation; but end my daies in prison or banishm^t^, as the house shall think fit.

S^r^, it is a greater affliction to me than death itselfe that I am sentenct to die at Bolton; so that the nation will look upon me as a sacrifice for that blood w^ch^ some have unjustly cast upon me; and from w^ch^ I hope I am acquitted in your opinions and the judgement of good men, having cleared myselfe by undeniable evidence.

Indeed at my triall it was never mentioned against me, and yet they adjudge me to suffer at Bolton, as if indeed I had bin guilty. I beg a respit for my life upon that issue, y^t^ if I doe not acquit myselfe from that imputation, let me die without mercy.

But S^r^, if the Parliament have not this mercy for me, I humbly pray the place appointed for my death may be altered, and that if the Parliament think it not fit to give me time to live, they will be pleased to give me time to die, in respiting my life for some time whilst I may fit myselfe for death; since thus long I have bin persuaded by Col. Duckenfield the Parl^t^ would give me my life. S^r^, I submit myselfe, my family, wife and children, to the mercy of Parliam^t^, and shall live or die, S^r^,

Your contented and humble servant,

Oct. 11, 1651. DERBYE.

On the margin: "S^r^, I humbly beg the favour that the petition of a dyeing man, here inclosed, may by your favour be read in the house."

The letter is addressed: "For the Right Honourable William Lenthall, Esq., Speaker of the Parliam^t^ of the Common Wealth of England."

It has been indorsed by a later hand: "A l^re^ from y^e^ Earle of Derby of y^e^ 11^th^ of October 1651, w^h^ y^e^ Peticion of y^e^ said Earle of Derby. Rec^d^ 14^th^ Octob^r^ 1651."[41]

This letter was written at Chester, on Saturday the 11th of October, and was reported to the house, along with the earl's plea and petition, by Lenthall, whom the Parliament two or three years before had made chamberlain of Chester, and who was the only member of the commons present who would either receive or read the document. It was brought forward on Tuesday the 14th of October, and on the question being put, that the letter be read, the house was divided. There were twenty-two votes in favour of, and sixteen against, its being read, along with the earl's petition.[42]

The earl's plea was, that to put a prisoner of war on his trial for life, after quarter given, was an act unknown in a civilized country. The profession of arms had been considered honourable, but it was felt by many that its character would be disgraced by such a proceeding. The force of the earl's statement was irresistible. A majority of the house was disposed to allow the plea, but as the speaker was putting the question, Cromwell and Bradshaw so ordered it that eight or nine of their confederates left the house, and the number of members being reduced to less than forty the question was lost, and the sentence of the court-martial remained in force.[43] History has recorded nothing more damaging to the character of Cromwell than this act, except the execution of sir Henry Slingsby. However favourable the decision of the house might have been, it would

[41] (*Page* ccxvii.) *Tanner MS.*, 55, p. 81; *Civil War Tracts.* pp. 318, 319.
[42] *Journ. of House of Commons*, Oct. 14th; *Civil War Tracts*, p. 320.
[43] Seacome's *Hist.*, p. 319.

have been impossible to communicate the result to the prisoner, who at the very time the letter was being read was on his way to the scaffold, accompanied by his son, lord Strange.

These various petitions, and especially the letter to the speaker, it need hardly be observed, do not express the spontaneous feelings and long-cherished principles of lord Derby; and there are passages in them all scarcely worthy of a lofty-minded man when approaching individuals whom he despised. Neither do they bear any traces of his customary style. It is, however, very questionable whether any of them was lord Derby's own composition, or whether they were not prepared on his behalf by the advisers whom his son consulted, and who, in their desire for his safety, would adopt a much lower tone than, had the documents been his own *ipsissima verba*, he would himself have condescended to use. The real explanation appears to be, that he had placed himself in the hands of one or two well-meaning friends in conjunction with his son, at their pressing entreaty, and therefore felt that it would be ungracious, and perhaps ungrateful, to reject what they had prepared on his behalf, little as it represented his own character and feelings, and accordingly, as no time was afforded for deliberation or discussion, subscribed or copied the documents put before him, and which were immediately placed beyond alteration or recall. But whatever part lord Derby himself took in the various applications, or the language contained in them, whether active or passive, we feel satisfied must be

attributed not to any terrors he attached to death, but to the circumstance of the execution being fixed at Bolton. When, by the ingenious malice of his enemies, he was intended to be held up for all time as the sole author of the bloodshed which had been perpetrated there — and no doubt it was a terrible massacre, — and as suffering for his crime on the very spot where it was committed, and his fair fame, which he valued so highly, tarnished by a public asseveration which distinctly made him the party responsible for that wholesale cruelty, he then did violence to all the feelings of his nature to avert what he considered so terrible a calamity, and condescended to supplicate the persons in authority, whose disloyalty he abhorred, in terms which at one time he would have thought it impossible that he could ever have employed. Most assuredly it was not the mere fear of death, as death, which wrung from that high spirit so humiliating an application, but the noble fear of sullying a stainless escutcheon, and of casting an ineffaceable stigma on an illustrious line. We may think he made a mistake in so descending from his lofty elevation; but little would he deserve the character of a fair historian who cannot make allowance for what was so manifestly and undeniably caused by the earl's detestation of blood-guiltiness, or who would fasten on his name, for anything which the letter to Lenthall or the petition to Cromwell present, the imputation of meanness or pusillanimity. The earl had observed, whilst writing in the Isle of Man, that St. Augustine said: "He who relies on his conscience, and is careless of a

good name, is cruel to himself, whether prince or prelate, for fame, though false, falls heavy on a publick person."[44]

Nor is it at all improbable that his enemies had a further object in fixing the execution at Bolton. They laboured under the false impression that the people entertained a strong aversion to him, and it was expected that his last moments would have been embittered by the curses, howlings and execrations of the infuriated spectators. Fortunately for the character of Lancashire, this grand disgrace was averted. The men of Bolton were not, like some who were then armed with power, wolves in human shape. They could not forget the kind and affectionate intercourse which had so long existed between themselves and their old landlords, or that honoured name to which their willing reverence had for ages been paid. They were not destitute of the common feelings of humanity, and could not see such a spectacle of greatness, "fallen from his high estate," without the profoundest sorrow. When that last sharp stroke fell upon the earl of Derby, it fell amongst the prayers, tears and sobs of the inhabitants of Bolton.

We cannot suppose that it was the local enemies of the earl who "shut the gates of mercy" upon him; but after such extraordinary exertion having been made in his behalf, in every quarter, and without success, the inference is inevitable, that the resistance must have been in the head of the usurping Government.

Lord Strange having returned from London to Chester

[44] *MS. Observat.*, p. 293.

communicated the sad intelligence to his father, that the dream of security was dispelled, and that all hope of his life being spared was gone. The earl embraced his son with the greatest tenderness, acknowledged his filial piety, thanked him for his dutiful endeavours to save his life, and, meekly kneeling on his knees, reverently prayed to the God of mercy — "*Domine, non mea voluntas, sed tua.*"[45]

It was whilst these ineffectual attempts were being made to obtain either a reprieve or a mitigation of his illegal sentence that some of his intimate friends contrived to effect his escape from the castle. The precise time when he eluded the vigilance of his immediate attendants has not been ascertained, but it was certainly after the verdict of the court-martial had been given. During the night, on some pretext, he reached the leads over his chamber, and, being furnished outside with a long rope, by a desperate and almost incredible effort he lowered himself from the top of the castle to the ground, and, escaping from the precincts of the castle, got out of the city. He had not proceeded far before his escape was discovered, and eager pursuers were soon dispatched after him in all directions. He was apprehended on the Rood-ee, having unfortunately, in some way now unknown, discovered himself unawares to pitiless enemies instead of friends.[46]

The occupants of Whitehall were quickly informed of what had occurred, and on the 10th of October they requested Mr. Charles Walley, their agent at Chester, and the

[45] Seacome. [46] *Lanc. Warr*, p. 79.

deputy-governor, to pay "to ensign Ashtun, quarter-master Modesly, and a private soldier, ten pounds each, as a reward for their good service in taking again the earle of Derby when he attempted to make an escape."[47] Colonel Dukinfield was afterwards informed that permission was given to Walley to draw a bill (upon the great council of England!) for £30, to be accepted by the council, and to be paid as he (Walley) should advise.[48] The gratitude of Bradshaw and his fellow councillors to these captors of the earl seems to have been almost enthusiastic, as there are three separate orders on record for the payment of their reward.[49] Of the men who received these thirty pieces, not of silver but of gold, as the unenviable price of their noble victim, two bore Lancashire names, as one of them, had he been with his compatriots at the council table, would probably have written his name Assheton, and the other Mawdesley; but nothing is known of their history, as their houses have been swept away, and they themselves have sunk into oblivion.

After his recapture, the earl had the misfortune, as might have been expected, to be more "severely kept"[50] and closely guarded. Nor was the precaution unnecessary, as the wish to effect his rescue was as strong on the part of the people outside the prison as it was on that of his few more intimate friends who were permitted to have access to him.[51] His enemies professed to think that the people were universally

[47] Dom. Interregn., 117, 574. [48] Letter Book, 117, 574.
[49] Draft Order Book, 51, 26. [50] *Lanc. Warr*, p. 82.
[51] Brown's *Hist. of Bolton*, p. 260-1.

hostile to him, and forgot that it was merely a class, and that not a preponderating one, that was opposed either to him or to the cause which he had espoused, and that the Government at that moment did not afford a true representation of the feelings of the people of Lancashire. There was a general impression abroad that the earl would not be executed, but that he would be rescued;[52] and it is not clear "that the tumult amongst the people," which took place when his lordship was speaking on the scaffold, was not occasioned by some ill-planned scheme having that object in view.[53] He exclaimed in the midst of the momentary uproar, addressing the military who were attacking the people: "What's the matter, gentlemen? I fly not. You pursue not me; and here's none to pursue you."[54] The governing powers feeling that it would be dangerous to trust the people in their excited state had ordered, on Friday the 10th of October —

That a letter be written to Col. Duckenfield, or in his absence to his deputie Governour, to let him know that y^e^ Lord-General hath appointed some troopes to bee a guard to y^e^ execution of y^e^ E. of Derbie, and for y^e^ execution itselfe, they conceive it fitt that they who gave the sentence should take care to give direction for y^e^ doeing of it.

That Capt. Eyton doe ride post to Chester w^th^ y^e^ above mentioned lre, and M^r^ Frost is to pay him his post charges, and hee is to returne againe to y^e^ Councel to give them an account thereof.

That y^e^ disposeing of prisoners of qualitie and others which are

[52] Seacome's *Hist.*, p. 329.
[53] *Lanc. Warr*, p. 83; Seacome's *Hist.*, p. 336.
[54] Seacome's *Hist.*, p. 336; *Knowsley MS.*

at Worcester and elsewhere bee taken into consideration to-morrow in y^e^ forenoon.[55]

On the same day the following letter was dispatched from Whitehall, addressed as above:

To Coll. Duckenfield, or in his absence to the Deputie-Governor of Chester.

S^R^,—We have received yo^r^ letter of y^e^ 7^th^ instant and one before without date to what yo^u^ write concerning a guard for y^e^ conveying of the Earle of Derby to the place of execution and at it; the Lord-Gen^ll^ hath given order about it w^ch^ yo^u^ will heare of by y^e^ bearer hereof or before his coming by some other. And that being done wee conceive it belongs to the Court-Marshal to see the sentence given to be effectually put in execution according to y^e^ commands of y^e^ Parlam^t^ expressed in the votes for their triall which wee formerly sent unto them from hence, whereof yo^u^ are to mind them, if yo^u^ see it requisite.[56]

One of his last acts in prison was to write, with the scaffold before him, on the Monday preceding his death, the following tender and wonderful letters to his wife and children in the Isle of Man, and whether the spirit, temper or diction be regarded, under the circumstances, there is probably nothing in English literature to be compared with them:

My Lord's last letter to my Lady, 8^ber^ 12^th^, 1651, from Chester.

My dear Heart,—I have heretofore sent you comfortable lines, but alas! I have now no word of comfort; saving to our last and best refuge which is Almighty God, to whose will we must submit: and when we consider how he hath disposed of these nations and the government thereof, we have no more to do but to

[55] Draft Order Book, 51, 26. [56] Dom. Interregn., 117, 574.

lay our hands upon our mouths judging ourselves, and acknowledging our sins, joined with others, to have been the cause of these miseries, and to call on him, with tears, for mercy.

The Governor of this place, Colonel Duckenfield, is General of the forces which goe now against the Isle of Man, and however you might doe for the present; in time it would be a grievous and troublesome business to resist, especially them that at this hour command three nations: wherefore my advice is, notwithstanding my great affections to that place, that you make conditions for yourself, and children, and servants, and people, and such as came over with me, to the end you may go to some place of rest where you may not be concerned in warr; and taking thoughts of our poor children, you may in some sort provide for them; then prepare yourself to come to your old friends above, in that blessed place where bliss is, and no mingling of opinions.

I conjure you, my dearest heart, by all those graces which God hath given you, that you exercise your patience in this great and strange trial. If harm come to you, then I am dead indeed, and until then I shall live in you, who is truly the best part of myself; when there is no such thing as I, then look upon yourself and my dear children; there take comfort, and God will bless you.

I acknowledge the great goodness of God, to have given me such a wife as you: so great an honour to my family; so excellent a companion to me; so pious, so much of all that can be said of good, as I must confess an impossibilitie to say enough thereof. I ask God pardon with all my soul, that I have not been enough thankfull for so great a benefitt, and when I have done ought that at any time might justly offend you, with joined hands I also aske you pardon.

Baggarley and Paul (Moreau) goe[87] by my directions to tell you my further reasons for the delivery of the Island according to these desires w^ch^ you will see under my hand.

[87] In the margin: "It was promised to my Lord that they should have leave to goe, but not performed."

Oh, my dear soule, I have reason to believe that this may be the last time that ever I shall write unto you. I thanke you for all your goodness to me; for Jesus' sake forgive me when at any time I have not been good to you. Comfort yourself the best you can. I must forgive all the world, else I could not goe out of it as a good Christian ought to do, and I hold myself in duty bound and in discretion to desire you to forgive my sonne and his bedfellowe. She hath more judgment than I looked for, which is not a little pleasing to me, and it may be of good use to him and the rest of our children. She takes care of him, and I am deceived much if you and I have not been greatly misinformed when we were told ill of her. I hope you will have reason to thinke soe too.

It will be necessary that the writeings concerninge the estates be sent over to the end my sonne may put in his claime betimes. Oh, my dear, againe I ask you to take comfort; when you soe doe rejoyce thereat I beseech you, as doing me a great favour, and for my sake keep not too strict, too severe a life, but endeavour to live for your children's sake, which by an over-melancholy course you cannot doe, but both destroy them and yourself, and neglect my last request. The world knows you so full of virtue and pietie, that it will never be ill thought of, if you doe not keep your chamber as other widowes who have not reached to that reputation w^ch^ you have, and than which there is not a greater upon earth. I draw near the bottom of the paper, and I am drawing on to the grave, for presently I must away to the fatall stroke, w^ch^ shewes little mercie in this nation, and as for justice — the Great Judge judge thereof.

I have no more to say to you at this time, than my prayers for the Almighty's blessing to you, my dear Mall, and Ned, and Billy. Amen; sweet Jesu.

Your faithful

DERBY.[58]

[58] MS. vol., 4to, Knowsley. This letter is here printed for the first time, entire, probably from archdeacon Rutter's transcript.

The earl's affection for his children was unbounded, for in them his chief happiness consisted; and yet he saw them sufferers, and even prisoners, owing to his resolute vindication of public order and good government. He has recorded that "Agesilaus loved his children dearly, and would ride with them on a hobby-horse, which a friend once espying, asked him of it. He prayed his friend to say nothing on the subject until he had children of his own."[59] And the earl also facetiously noted in one of his Common-Place Books that "Cæsar Augustus did not stick to play now and then with children at bones and with nuts, especially with the young children of the Moors and Syrians, that had a pretty behaviour with them; and he often spake words to them that moved laughter."[60] There seems to be evidence that the earl himself was the playful and joyous companion of his children, and his charming letters addressed to them, full of freshness and reality, breathe the very spirit of parental love. He had sympathised with them in their childish joys and sorrows, and his pure mind was evidently delighted and his whole nature moved by their simple pleasures and gambols. The little nicknames and familiar diminutives which he playfully applied to them, and the endearing terms in which he addressed them, as his "Malekey, Neddy, and Billy," remind us of Cicero's "Tulliola" and of Southey's "Edithling," and lead to the obvious conclusion that his resolute nature had been subdued by domestic happiness, and that his private habits

[59] *Oxford MS.*, vol. xxxiv. p. 122. [60] *Ibid.*, p. 236.

were simple and his instincts generous; and when these children grew older they would remember how bright the early morning of life had been made by their father, and even "little Billy," the youngest of them all, would not forget how his noble father had stretched out his arms, like Hector, to receive his boy, and they would all feel fond of their childhood and would reverence the memory of such a parent. And now he is writing to three of his children in the Isle of Man, with a full consciousness that they would never again "climb the knees" of their returning father:

My Lord's letter to my Lady Mary, Mr. Ed., and Mr. William.

My dear Mall, my Ned, my Billy, — I remember well how sad you were to part with me when I left the Isle for England, but now I fear you will be more sad to know that you can never see me more in this world. But I charge you all to strive against too great a sorrow; you are all of you of that temper that it would do you harm; and my desires and prayers to God are, that you may have a happy life; let it be as holy a life as you can, and as little sinful.

I can well now give that counsel, having in myself at this time so great a sense of the vanities of my life, which clodds my soul with sorrow; yet I rejoice to remember when I have sometimes blessed God with a pious devotion; and it is my chief and only delight, and must be my eternal happiness.

Love still the Archdeacon; he will give you good precepts: obey your mother with cheerfulness, for you have great reason soe to doe, for, besides that of mother, she is your example, your nurse, your councellor, your phisitian, your all under God; there was never, nor ever can be a more deserving person. I am called away, and fear this may be the last I shall write. The Lord my God bless you and guard you &c. So prays your father, that sor-

rows most at this time to part with Malekey, Neddy and Billy. REMEMBER.

J. DERBY.

But the earl had two other children who were at this time prisoners in Chester. In the year 1649 his daughters, the lady Katherine and the lady Amelia, had been suddenly removed from Knowsley by colonel Birch, at the instigation of president Bradshaw, and heartlessly placed under restraint in Liverpool, in consequence of their father's contumacy in continuing to hold the Isle of Man, which was his private estate, against the wishes of the Parliament.[61] Fairfax promised the earl that his children should be released, and that he should enjoy the half of his estates upon his delivering the island to the Parliament; but his lordship replied — that he was greatly afflicted by the sufferings of his children, and that great and noble minds did not punish children for their father's offences, and he trusted that his children might be sent back, either to him, or to Holland or France; but that, if this request were denied, his children must submit to the will of God, but should never be redeemed by his disloyalty.[62] At the time they were deprived of their liberty the earl composed an affecting prayer, and referred to his daughters as prisoners;[63] and he thought it a strange proceeding on the part of patriots, who professed to be fighting for liberty, to display their patriotism and love of freedom by the abduction and incarceration of two harmless English ladies who had not abused their

[61] Seacome's *Hist.*, p. 292. [62] *Ibid.*, p. 293.
[63] *Priv. Devot.*, p. 40.

liberty, who had always been neutral during the national struggle, and who ought not, therefore, to have been made the victims of revenge. These young ladies continued under restraint, and never saw their parents from the year 1649 to 1651, more than eighteen months, and during the whole of that dreary time they were very disconsolate, and suffered many privations. It was on the arrival of the earl in Lancashire in August of the latter year that Birch, to remove them still further out of their father's reach, sent them from Liverpool — or perhaps from Knowsley — to Chester, where they were still regarded and treated as prisoners,[64] the apartment under the steps in the Water tower at Chester, being still pointed out as the place of their confinement; and it must have added many an intense pang to their sufferings to hear of their father's helpless and hopeless state and of the triumph of his relentless enemies.

The earl naturally and anxiously desired to see his children, but, before the small favour of an interview could be obtained, it was necessary that the governor of Chester should apply for permission to the governing authorities at Whitehall. On Wednesday the 8th of October the young ladies were permitted to have their liberty on the arbitrary and obnoxious condition of giving security, themselves in £2000 and providing two sureties in £1000 each, that "they would not act or do anything prejudicial to the commonwealth and the present Government."[65] It would be interesting to know by what means two inoffensive young girls

[64] Seacome, p. 293. [65] Draft Order Book, 51, 23.

could damage the interests or obstruct the ambitious purposes of such hardy veterans as Cromwell and Bradshaw; but these great patriots felt ill at ease so long as the earl's children were out of "durance," and, although nothing is recorded as having been done by them in any way to deprive them legally of the privilege which they had obtained, nor of their recognizances having been discharged, another shaft was aimed at them and another outrage committed, as the council passed an "order on Monday the 20th of October that a letter be written to colonel Birch or his deputy, to let them know that they are to keep the daughters of the late earl of Derby prisoners until further order shall be given concerning them."[66] A more malignant refinement of cruelty towards two noble English girls, or a more gross violation of good faith and of the concession stipulated for in the bond, could hardly have been committed; and the parents, thus wounded through their children, doubtless sighed for the time "that should deracinate such savagery."[67] The father and his daughters, however, had met within the walls of the prison, and he told their absent mother that "he gave them the best advice he could."[68] Nearly the whole of Monday the 13th of October was spent by them together, and on the following morning they again met their father; and what a meeting and parting then took place! The earl was on his way to Bolton, and when near Hoole heath, about half a mile out of Chester,[69] the singular cavalcade

[66] Draft Order Book, 51, 49. [67] *Henry V.*, act v. sc. 2.
[68] See *ante*, p. cci. [69] Ormerod's *Chesh.*, vol. i. p. 210.

paused on the desolate and unenclosed moor, and the earl alighting from his horse embraced, in the presence of all the people, his mourning children, and kneeling down on the road-side prayed with them, they "weeping most of all that they should see his face no more." What "wayside devotion" was this! reminding us of a specially interesting monumental pillar in a picturesque lane near Appleby, which still records, after the lapse of many generations, a sad and final, but happily in some respects a dissimilar, separation. There, in early life, lady Ann Clifford, afterwards the good countess of Pembroke, Dorset and Montgomery (the near relative of James earl of Derby, and with whom he once took refuge during the war[70]), parted with her beloved mother, Margaret countess of Cumberland, and saw her no more; but the place and the scene were too deeply impressed on the child's mind ever to be forgotten. And that still more thrilling and appalling separation near Hoole heath would long be remembered by more individuals than those who, "desolate and oppressed," knelt and prayed by the road-side. No pillar has recorded the event, but a finer subject for an historical picture, without requiring any luxuriance of imagination, could scarcely be devised; and it would embrace points of far deeper interest than any that were witnessed in a gorgeous scene on Hoole heath twenty years before, when earl James, attended by the nobility, gentry, and six hundred inhabitants of four counties, met his royal relatives and their splendid suite, and conducted them on their way

[70] *Civil War Tracts*, p. 100.

to Knowsley:[71]—The earl just alighted from his mean horse, and kneeling by the side of the coach on the bare ground, near his two daughters (the elder aged twenty and the younger eighteen), — his hands and eyes uplifted, his strong faith, his meek resignation, his undaunted mind, all visible in his grave countenance; the ruthless soldiery, impatient of the scene; the weeping and sympathizing spectators who had accompanied him all the way from Chester, with here and there a coarse and callous republican looking with disfavour upon the affecting incident; the day being of that quiet and almost melancholy beauty which is the last lingering luxury of autumn before the drear winter arrives in all its rudeness. We are told that the cold east wind prevailed;[72] and we know that the season had been wet, so that the trees were tinged with yellow, and the tints of decay were visible upon the crisping foliage, and many a sear leaf on that October morning dropped silently down from the lofty oak or sycamore, and fell from time to time on the earl's path, reminding him of his mortality, after he had parted with his daughters on Hoole heath and pursued his appalling journey over execrable roads to the scaffold, which the people were refusing to erect, at Bolton.

It now remains to print "A Relation of Mr. Humphrey Baggarley touching my Lord's death, and some Passages before it."[73] It may perhaps be safely asserted that lord Derby's journey to Bolton and behaviour at his execution,

[71] See *ante*, p. xxxv. [72] Seacome's *Hist.*, p. 329.
[73] *Knowsley MS.*, 4to, p. 147.

told as they are, in the two following narratives with no ornaments of style, but in language that is intelligible to all, with the various affecting incidents which the accounts embrace, have no parallel in our history. No power of genius, not even Shakspeare's, could have constructed a story which grapples so powerfully with all the sympathies of our nature. To its earnest simplicity and simple pathos he must be bold indeed who would attempt to add anything. The picture is complete and perfect in itself, and the hand of the greatest master could introduce nothing to heighten the effect without the hazard of spoiling it. It is not extravagant praise to say that it will retain its melancholy attraction as long as any reverence shall remain for what is noble and heroic, or any pity for tenderness and constancy in the saddest reverses of fortune,—in fact, as long as there are hearts that can feel and eyes that can weep. If, as sir Thomas Browne says, and we fully believe, "the heroic English gentleman hath no peer," this noble and triumphant end of one of the finest of that admirable class, must ever be regarded, from whatever point the Christian, the patriot, or the loyalist, may look back upon it, as unsurpassed in history.

Upon Monday the 13th of October, 1651, my Lord procured me liberty to wait upon him, having been close prisoner ten days. He told me the night before, Mr. Slater, Colonel Duckenfield's chaplain, had been with him from the Governor, to persuade his Lordship that they were confident his life was in no danger. But his Lordship told me, he patiently heard his discourse, but did not believe him; for, said he, I was resolved not to be deceived with the vain hopes of this fading world.

After we had walked a quarter of an hour, and discoursed his commands to me, in order to my journey into the Isle of Man, as to his consent to my Lady to deliver it up, upon those articles his Lordship had signed for the purpose; with his affectionate protestations of honour and respect to my Lady, both for her birth and goodness as a wife, with much tenderness of his children there, especially my Lady Mary; then immediately came in one Lieutenant Smith, a rude fellow (and with his hat on), who told my Lord, he came from Colonel Duckenfield, the governor, to tell his Lordship he must be ready for his journey to Bolton. He replied, When would you have me to go? To-morrow morning by six of the clock, saith Smith. Well, said my Lord, I thank God I am readier to die than for my journey; but, commend me to the Governor, and tell him by that time I will be ready for both.

Then said Smith, Doth your Lordship know any friend or servant that would do that thing your Lordship knows of? It would do well if you had a friend. My Lord replied, What do you mean? would you have me to find one to cut off my head? Smith said, Ay, my Lord, if you could, a friend. My Lord said, Nay, sir, if those men that will have my head will not find one to cut it off, let it stand where it is; I thank my God my life hath not been so bad that I should be instrumental to deprive myself of it; although he hath been so merciful to me as to be resolved against the worst terrors that death can put upon me; and for me and my servants, our ways have been to prosecute a just war by honourable and just means, and not those barbarous ways of blood, which to you is a trade.

Then Smith went out and called me to him, and repeated his discourse and desires to me. I only told him, my Lord had given him an answer.

At my coming in, my Lord called for pen and ink, and writ his last letter to my Lady, and that to my Lady Mary and his sons, in the Isle of Man.

In the mean time Mr. Paul Moreau, a servant of his Lordship, went and bought all the rings he could get, and my Lord lapt them up in several papers, and writ within them, and made me subscribe them to his children and servants.

The rest of that day he spent with my Lord Strange, my Lady Katherine, and my Lady Amelia. At night about six I came to him again, when the Ladies were to go away; and as we were walking, and my Lord telling me he would receive the Sacrament on the next morning, and on Wednesday morning both, in came the aforesaid Smith, and said, My Lord, the Governor desires you would be ready to go in the morning by seven o'clock. My Lord replied, Lieutenant, pray tell the Governor, I shall not have occasion to go so early; by nine o'clock will serve my turn, and by that time I'll be ready—if he has earnester occasion, he may take his own hour.

That night I staid, and at supper my Lord was exceeding chearful and well composed; he drank to Sir Timothy Featherstone (who was a gentleman that suffered at Chester a week after in the same cause), and said, Sir, be of good comfort, I go willingly before you; and God hath so strengthened me, that you shall hear (by his assistance) I shall soe submit both as a Christian and a soldier, to be both a comfort and an example to you.

Then he often remembered my Lady, Lady Mary, and Masters, and drank to me, and once to all his servants, especially to Andrew Broome, and said, he hoped now, that they who loved him, would never forsake his wife and children; and he doubted not, but God would be a master to them, and provide for them after his death.

In the morning my Lord delivered me the letters for the Island, and said, Here, Baggarley, deliver these with my most tender affection to my dear wife and sweet children, which shall continue with my prayers for them to the last minute of my life. I have instructed you as to all things for your journey.

But as to that sad part of it (as to them) I can say nothing, but silence and your own looks will best tell your message. The great

God of heaven direct you, and prosper and comfort them in this their great affliction.

Then his Lordship took leave of Sir Timothy Featherstone, much in the same words as at night. When he came to the Castle-gate, Mr. Crossen and three other gentlemen which were condemned came out of the dungeon (at my Lord's request to the Marshal) and kissed his hand, and wept to take their leave. My Lord said, Gentlemen, God bless and keep you; I hope now my blood will satisfy for all that were with me, and you will in a short time be at liberty; but if the cruelty of these men will not end there, be of good comfort, God will strengthen you to endure to the last, as he hath done me; for you shall hear I die like a Christian, a man, and a soldier, and as an obedient subject to the most just and virtuous Prince this day living in the whole world.

After we were out of town, the people weeping, my Lord, with an humble behaviour and noble carriage, about half a mile out, took leave of my Lady Katherine and Amelia, upon his knees, by the boot of the coach (lighting to that end purposely from his horse), and there prayed for them and saluted them, and so departed. This was the saddest hour I ever saw, so much tender affection on both sides.

That night, Tuesday the 14th of October, 1651, we came to Leigh, but in our way thither, as we rode along, his Lordship called me to him, and bade me when I should come into the Isle of Man, to commend him to the Archdeacon there, and tell him he well remembered the several discourses [that] had passed between them concerning death, and the manner of it; that he had often said the thought of death could not trouble him in fight, or when with a sword in his hand, but that he feared it would somewhat startle him, tamely to submit to a blow upon a scaffold; but, said his Lordship, tell the Archdeacon from me, that I do now find in myself an absolute change as to that opinion; for I bless my God for it, who hath put these comforts and this courage into my

soul, I can as willingly now lay down my head upon a block, as ever I laid it on a pillow, &c.

My Lord supt a competent meal, saying, he would imitate his Saviour: a supper should be his last act in this world, and indeed his Saviour's own Supper, before he came to his cross which (he said) would be to-morrow. That night he spent upon his bed, from betwixt ten and eleven, until six in the morning. As he laid him down upon the right side with his hand under his face, he said, Methinks I lie like a monument in a church; and to-morrow I shall really be so. As soon as he rose, after prayer, he shirted him, and said, This shall be my winding-sheet, for this was constantly my meditation in this action. See, saith he to Mr. Paul[74]— see that it be not taken away from me; I will be buried in it.

Then he called to my Lord Strange to put on his Order, and said, "Charles, once this day, I will send it you again by Baggarley; pray return it to my gracious Sovereign, when you shall be so happy as to see him; and say, I sent it in all humility and gratitude — as I received it, spotless, and free from any stain, according to the honourable example of my ancestors."

Then he went to prayer, and my Lord commanded Mr. Grenehalgh to read the Decalogue; and at the end of every commandment made his confession, and then received Absolution and the Sacrament. After which, and prayer ended, he called for pen and ink, and wrote his last speech, and a note to Sir E. S.[75] When we were ready to go, he drank a cup of beer to my Lady, Lady Mary, Masters, and Mr. Archdeacon, and all his friends in the Island; and bade me remember him unto them, and tell the Archdeacon he said the old Grace which he always used, in these words[76] . . . ; then he would have walked into the church to have

[74] Moreau. See p. 323.

[75] Edward Savage. It would be interesting to know the purport of this note. As sir Edward Savage was one of the executors named in the earl's will, had it any reference to the cancelling of that document or of any of its clauses?

[76] Not recorded.

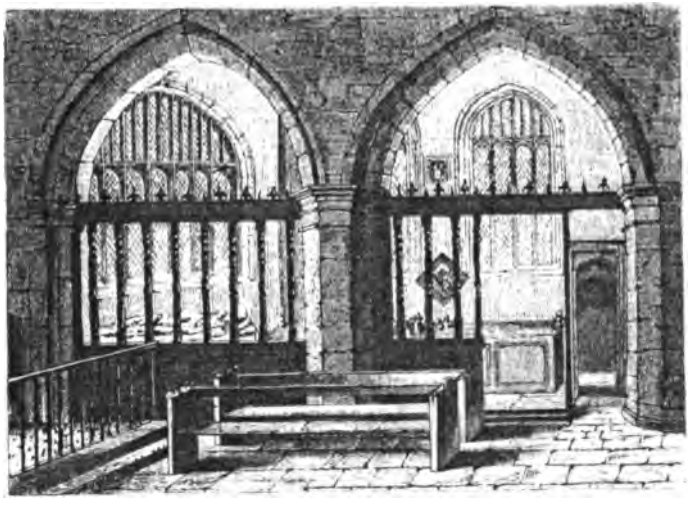
seen Sir T. T.'s[77] grave, but was not permitted, nor to ride that day upon his own horse, but they put him upon a little nagg, saying they were fearfull the people would rescue his Lordshipp.

As we were going, in the middle way to Bolton, the wind came easterly, which my Lord perceived and said to me, Baggarley, there is a great difference betwixt you and me now, for my thoughts are fixed, and I know where I shall rest this night. And every alteration moves you of this world, for you must leave me to go to my wife and children in the Isle of Man, and are uncertain where you shall be; but do not leave me if possible you can otherwise, until you see me buried, which shall be as I have told you.[78]

[77] Thomas Tyldesley.

[78] There was a tradition long current at Bolton, that the earl and some of his family had expressed a wish that his body should be buried at Ormskirk, but that his enemies desired that it should be thrown irreverently into an ordinary grave in Bolton churchyard. It was said that colonel John Okey, of Bolton, the earl's great political foe, forgetful of supposed wrongs, offered his lordship every service in his power, and obtained for the Stanley family the sad privilege of interring the corpse in the Derby chapel at Ormskirk, which is represented in the annexed cut. (Brown's *Hist. of Bolton*, p. 254.) What a spirit was that which pursued its illustrious victim beyond the grave! and how natural his wish, to die in his own county and to be buried with his own people, where he sleeps beneath a lowly stone without any record. A few lines of Mr. Moultrie's "Stanzas to Eton," and his just tribute to one of Eton's greatest sons, may be applied to earl James, different as they were in fates and fortunes, if not in accomplishments and nobleness of character:

Fain would he cast life's fleshly burden down
Where his best hours were spent, and sink to rest,
Weary of greatness, sated with renown,
Like a tired child upon its mother's breast.
Proud mayst thou be of that his fond bequest,
Proud that, within thy consecrated ground,
He sleeps amidst the haunts he loved the best;
Where many a well known, once familiar sound
Of water, earth, and air for ever breathes around.



INTERIOR VIEW OF THE DERBY CHAPEL, WITHIN ORMSKIRK CHURCH

Llewellynn Jewitt, F.S.A

The True Speech of James Earl of Derby upon the Scaffold at Bolton in Lancashire, tog^r with his Deportment and Prayers, before his death, on Wednesday the 15 day of October, 1651.[79]

The Earl of Derby, accords to the Order of the Court-Martiall held at Chester, by which he was sentenced to dy at Bolton in Lanc., was bro^t to that town with a guard of horse and foot of Colonel Jones' comm^d, by one Southley,[80] who rec^d his order from Coll. Rob. Duckenfield, betwixt 12 and 1 of y^e clock, on Wedn^r the 15^th of Oct^r, the people weeping, praying and bewayling him all the way from the prison at Chester to the place of his death. He was bro^t to a house in the towne[81] near the Crosse whear the

[79] On the back of this MS., which is written distinctly on folio sheets of paper in the hand-writing of the seventeenth century, and is unquestionably an original document, is the following indorsement by William-George-Richard, ninth earl of Derby: "*My Grandfather's (of blessed memory) deportment and his speech upon the scaffold, which I read, and remarked particularly upon, 15th October, 1696. Knowsley.*" As there were two reporters upon the scaffold, at the time of the earl's execution, and their reports would naturally find their way to Knowsley, we may conclude that this is one of them and that Seacome's is the other. They are both the same in substance, but there are interesting variations, and some facts omitted in one are preserved in the other. On the death of James, the tenth earl of Derby, in the year 1735-6, the family papers were scattered, some of them were purloined, and many never came into the possession of the eleventh earl. This authentic narrative, formerly belonging to the earls of Derby, was found amongst the papers of the Rev. Henry Wrigley, M.A., fellow of St. John's college, Cambridge, and the owner and occupier of Langley hall, in the parish of Middleton, and passed on the death of his executor, John Hamer, esq., to Mr. Elliott, an attorney in Rochdale, who gave it to John Crossley of Scaitcliffe, esq., F.S.A., on the 7th of November 1819, and in his library it is now preserved.

[80] See *Lanc. Warr*, pp. 157-8, note.

[81] It is not stated that this was an inn, but oral tradition has long

scaffold was rais'd, and as he passed by said: "*Venio Domine,* I am prepared to fulfill Thy will, O my God. This scaffold must be my Crosse; blessed Sauior I take it up willingly, and follow Thee:" from thence going into a chamber w^th^ some friends and serv^ts^, he was advertiz'd by the Commander in Chief that he had till 3 of the clock allow'd him to prepare for death; for indeed the scaff^d^ was not ready, the people of the town and country generally refusing to carry so much as a plank, or strike a nayl, or to lend any assistance to that work, theyr cry being generally in the streets, "O sad day! O wofull day! shall the good Earl of Derby dye here? Many sad losses have we had in the warre, but none like unto this; for now the antient honour of our countrey must suffer here!" And to add to his trouble, most of the tymber that bylt the scaffold was of y^e^ ruines of Lathom house. But nothing could alter his Lo^ps^ resolucõn and courage, for w^th^ a stedfast composed countenance, and a chearful [voice], he called the company, which were present, to prayers with him, wherein he shewed admirable fervencie and a kind of humble importunitye with Allmighty God, that he would pardon his sins, be mercifull to his soul, and

declared that it was the inn standing on the south side of Churchgate, and known by the sign of the Pilkington crest — the Man and Scythe. The house in 1651 was the principal inn in the town, and the landlord was James Cockerele, who held it on lease under the earl of Derby. In the middle of the southern side of the old part of Bolton churchyard a plain gravestone is thus inscribed: "Here resteth the Body of James Cockerele, of Bolton, the elder, who departed this life in the one hundred and sixth year of his age, and was here interr'd the 7^th^ March, 1709." This man was consequently 57 years of age when the earl of Derby was conducted to his house on this melancholy occasion. It is recorded that Cockerele had suffered in his family and fortune at the capture of Bolton in 1644, and that the earl might not have been taken to this house owing to its locality alone, but that his last moments might be embittered by placing him in the midst of a family where he was the least likely to meet with any favour. (Brown's *Hist. of Bolton-le-Moors*, pp. 253–4, 8vo, 1824.)

be gracious to this land in restoring the King, Laws, and Liberty, and that he would be a Husband to his wife, a Father to his children, and a Friend to all those that suffer'd by his loss, or that had been friends to him.

Rising from prayer, he sate down with a very pleasing countenance, and assured the standers-by that God had heard his prayers, w^ch^ the blessed Spirit of God witnessed unto him, in the present comforts he now felt in his soul. Then he entered into a discourse of his life, and beseeched God to forgive the days and time he had misspent, and said it was his comfort that, although he had not walked so circumspectly as he ought to have done, yet he ever had a sense of his sinns and a tender respect to all the services, servants, and ordinances of his God: and that he knew God had mercy for him, y^t^ he had strengthened and comforted him against all the terrors of death.

After these and some other words to this purpose, he desired his friends and the people by to pray with him again; w^ch^ when he had ended, rising from his knees, he appear'd fully satisfy'd of a gracious return to his prayers, and never after shewed any sadness in his countenance.

His next business was with his sonn, the Lord Strange, whom he publickly charged to be dutifull to his sad mother, affectionate to his distress'd brothers and sisters, and studious of the peace of his country. "But especially" (said he), "Son, I charge you, upon my blessing and upon the blessing you expect from God, to be ever dutifull to your distressed mother, ever obedient to her commands, and ever tender how you in any thing grieve or offend her. She is a person well known to the most eminent personages of England, France, Germany, and Holland; noted for piety, prudence, and all hon^ble^ virtues; and certainly, the more you are obedient to her the more you will increase in favour with God and man."

Then he desired to be private in the room himself, when he was observed to be about half an hour upon his knees, with frequent interjections of groans and sighs, before his God; then when he

called the company in again, his eyes witnessed unto us that he had abundantly mixed tears with his prayers. He told us that he was very willing to leave the world, being assured by the testimony of God's Spirit, that he should be carry'd from trouble to rest and peace; from sorrow to joy; from death to life; and that death had no other bitterness in it to him, but that it took him from his dear wyfe and children, whom he humbly comended to the protection and providence of a better Husband and a better Father; and that yet he did not doubt but that the General and they who sate in the seat of authoritie, would make provision for them, hoping that his death might satisfy all those who sought his life, whom he freely forgave, and desired God to do the like. Then, calling for his son, he took his leave of him, and blessed him, which indeed would have grieved any one's heart (though never so hardened) to see this tender parting of him with his son; and also with his two daughters, the Lady Katherine and the Lady Amily Stanley, on the road betwixt Chester and Bolton y^e^ day before.

This ended, he called the officer, and told him he was ready. In his way to the scaffold, the people prayed, and wept, and cry'd aloud, to whom his Lo^p^ with a chearfull countenance, and courteous humbleness, said: "Good people, I thank you; and, I beseech you, still pray for me; and our blessed God return your prayers back into your own bosoms: the God of Mercy bless you — the Son of God establish you in righteousness — and the Holy Ghost fill you with all comforts."

Coming near the scaffold, he looked up and said: "God, I thank Thee that I am not afraid to goe up here, though I am to dye there; there are but these few steps to my eternity." Then kissing the ladder, he went up, and saluted the people; he walked a turn or two upon the scaffold; then went to the east end of the scaffold, and pulled off his hat again and saluted the people with a chearfull countenance, and said:

"I am come, by the will of my Heavenly Father, to dye in this place, and I thank God I do, with all willingness and readiness,

submitt to his most blessed will. 'Tis a place I desir'd to see when I was last in the country, both for the mutuall obligations that have bin betwixt this town and my family, as allso for your particular respects to me, whom I have understood to be ready to clear me from y^t^ foul imputation, That I was a man of bloud, and that particularly I killed one Bootle here in cold bloud. I doubt not but there are here many men, present both that day this town was taken and divers other times during this warr, that can certifye I preserv'd many lives. But I know there is not any one present that can lay the bloud of any man whatsoever to my charge, unless what might casually happen in the fury and heat of a battell. And why I dye in this town I know not, unless it be to persuade the nation that I fall as a sacrifice for that bloud which some said I shed here, from which charge I am acquitted before you, and from which I had also cleared myself before my grand Judges at WESTMINSTER, had they pleased to hear me before they had destroyed me; that report being hastily brought up among them by some, that I hope God hath forgiven, and too readily drunk in by others, whom I pray God to forgive.

"As for my crime (as some are pleased to term it) which was objected against me by the Councill of Warr (for Bootle's death was never mentioned against me then, that being only secretly used to raise a prejudice ag^t^ me in the judgments of such as did not know me), — my crime, I say, though I hope it deserves a far better name, was, that I came into my own countrey with my own lawfull King; I came in obedience to his Majestie's call, whom, both by the laws of God and the laws of this land, I conceived myself obliged to obey, and according to the protestation I took in Parliament in the time of that blessed Prince, his father; so if it be my crime, I here confess it again before God, Angels, and Men, that I love MONARCHY as the best government; and I dye with love and honour: and for the love and honour I bear to my MASTER that now is, CHARLES II. of that name, whom I myself in this county proclaymed KING: the Lord bless and preserve him, and

incline the harts of those that have power in this nation to accept him to his father's throne with honour and peace, for certainly, as I believe, this nation will never be well contented, never thoroughly happy, without a King; so I believe also that K. Charles the Second, o^r^ now lawfull King, were he a stranger to this crown, were the most fit and most accomplished Prince that this day lives, to take the government of this people; his admirable piety, virtue, justice, great valour, and discretion far above so few years, doth now make him, in all places [where] he comes, highly beloved, and will hereafter make him hon^ble^ among all nations. And I wish y^e^ people of this nation so much happyness (when my eyes are closed) that he may peaceably be received to the enjoyment of his just ryghts, and then they shall never want theyr just ryghts, which, till then, they will allways want.[82] As for my being in arms in the beginning of this warr, I profess here, in the presence of my God, before whom, within a few minutes, I must make an account for this profession, I only fought for peace and settling the late King, my master, in his *just* rights, and the maintenance of the laws of this land, and y^t^ I had no other design, intent, or purpose for my then taking up armes: and for this last ingagem^t^ I profess here again, in the presence of the same God, that I did it for the restoring my lawfull Sovereign into that throne out of

[82] Earl James speaks here of Charles II. in terms which surprize readers of the nineteenth century; but Charles was at this time only 21, and his amiable qualities and ingratiating manners won the regard of all who knew him. Perhaps every royalist felt towards him at the early part of his life as earl James did, who did not even vaguely suspect his licentiousness or his secret regard for his mother's religion; nor did the earl live to discover that the king was as devoid of gratitude as of resentment. If lord Derby's eulogy was too extravagant, what are we to think of the great patriot Andrew Marvel, who wrote, long after the earl's death:

> Charles, our great soul, this only understands,
> He our affections both and wills commands!

which his father was most unchristianly and barbarously taken, by the most unjust sentence of a pretended Court of Justice; and himself, against law and all justice, kept out and dispossessed of; and this was all my reason. For, as for estate or quality, I wanted not a sufficient competency; neither was I ever ambitious to inlarge either: for by the favour of my King's predecessors my family was rais'd to a condition well known in this country, and now it is as well known that by his enemies I am adjudged to dye, and that by new and monstrous laws, as making me an enemy to my country for fighting for my country — as a traytor to the laws for endeavouring to preserve the laws: But oh! God, give me grace to consider Him who suffered such contradiction of sinners, and O my God, assist the King to his father's throne; assist the laws to theyr former honour, and restore Thy own religion in its purity, that all these shadows and fals pretences of religion may vanish away, and our children's posterities may serve Thee in spirit and in truth.

"Good friends, I dye for the King, the Laws of the land, and the Protestant religion, maintaynd in the Church of England, all of which I was ready to maintain with my life, so I cheerfully suffer for them in this wellcome death."

At the word *King and Laws* a trooper said aloud, "We will neither have King, Lords, nor Laws;" and upon a sudden, the souldiers, being either surprized with fear at a strange noise that was heard, or els falling into mutiny, presently fell into a tumult, riding up and down the streets, cutting and slashing the people, some being killed and many wounded. His Lop looking on this sad spectacle said thus: "Gentlemen, it troubles me more than my own death that others are hurt, I fear dye, for me. I beseech you stay your hands. I fly not. You pursue not me; and here are none to pursue you." But being interrupted in his speech, and not permitted to goe on further (for wch the officers were much troubled), he turned aside to his servant and gave him the speech into his hands — saying, "I will speak to my God, who I

know will hear me, and when I am dead let the world know what I would have said." Here his Lop was interrupted; but it was as follows in his owne copy under his owne hand:

"I am sentenced to death by a Councill of Warr after quarter for life, and assurance of hon^ble and safe usage, by Capt. Edg. I had reason to have expected that the Council would have justify^d my plea, w^ch hath been ancient, honourable, sacred, and unviolable untill this time, that I am made the first suffering precedent; for I dare affirm it that never gentleman before in any Christian nation was adjudged to death by a Council of Warr after quarter given. I am the first, and I pray God I may be the last precedent in this case. I must dy, and I thank God I am ready for it. Death would now be my choyce, had I the whole world in competition with it. I leave nothing behind me w^ch I much care for but my King, my wife, children, and friends, whom I trust the never fayling mercy of my God will provide for. I beseech God shew mercy to those who neither had mercy nor justice for me. My blessed Saviour taught me by his example and command both to pray for my enemies and to forgive my enemies. I forgive them freely, even those that contrived my ruin and pursued me to DEATH. I thank God, I never personally offended them to my knowledge in my life; and let me not offend against them at my death: I forgive them freely, and pray God for Christ's sake to forgive them also.

"Of my faith and religion I shall not, I hope, need to say much. Herein I hope my enemies (if now I have any) will speak for me. I profess my faith to be in God, for whom I look for my salvation, through the precious meritts and sufferings of my blessed Saviour, Jesus Christ, which meritts and sufferings are apply'd to my soul by the blessed Spirit of Comfort, the Spirit of God, by whom I am assured in my own soul, that my God is reconciled unto me in Jesus Christ, my blessed Redeemer. I dy a dutifull son to the Church of England,[83] as it was established in that blessed Prince

[83] See Appendix. "Conversion of James, 7^th Earl of Derby."

my late master's reign, which all men of learning and temperance will acknowlege to be the most pure and agreeable to the word of God and primitive government of any Church within 12 or 1300 years since Christ, and which (to my great comfort) I left established in the Isle of Man. God preserve it there, and restore it to *this nation!*

"And, O blessed God! I magnify Thy name that Thou gavest me the happyness and mercy to be born in a Christian nation, and in a nation where Thy truth was professed in purity, with honour to Thy name and comfort to Thy people. I ascribe the comforts of Thy holy Spirit, w^ch^ I feel in my bosom, to y^e^ ministry of Thy Word and Sacraments convey'd unto me in Thy Church, and made effectual by the operation of the same blessed Spirit. In this faith, good people, I have lived, and in this I dye. Pray for me, I beseech you, and the God of Mercy hear your prayers, and my prayers for mine and your salvation."

Here his Lop began to speak again:

Presently after the tumult was over, his Lop called for the headsman, and asked to see the axe, and taking it in his hand, sayd: "Friend, I will not harm it, and I am sure it cannot hurt me;" and then kissing it, said, "Methinks this is as a Wedding Ring, which is a sign I am to leave all the world, and eternally to be marry'd to my Saviour." Then putting his hand in his pocket, said to the headsman: "Here, friend, take these two pieces, all that I have. Thou must be my priest. I pray thee do thy work well and effectually." Then handling the rough-furr'd coat the headsman had on: "This," says he, "will be troublesome to thee; I pray thee put it off, and do it as willingly as I put off this garment of my flesh, that is now so heavy for my soul." Then some of the standers-by bid the headsman kneel, and ask his pardon; but he did not, but was surly and crabbed. But his L^p^ sayd: "Friend, I give thee the pardon thou wilt not ask, and God forgive thee, also!" Then turning up his eyes to heaven said aloud: "How long, Lord, how long?" Then gently passing over

the scaffold, and seeing one of his CHAPLAINS[84] on horseback among the people: "Good Sr" (said he), "pray for me, and the Lord return your prayers into your own bosom, and I pray, remember me kindly to your brother, and God remember him for his love to me and mine." Then turning towards his coffin: "Thou art" (said he) "my bridal-chamber. In thee I shall rest without a guard, and sleep without souldiers." Then looking towards the block, he ask'd if all were ready. "That," says he, "methinks is very low, and yet there is but one step betwixt that and heaven." Then turning his eyes to the people, he saluted them, and desired again theyr prayers; then sayd: "I see your tears, and hear your sighs, and groans, and prayers: The God of heaven grant your supplications for me, and mine for you, and the mediation of Jesus Christ for us all."

Here his LP caused the block to be turned that he might look upon the CHURCH, saying: "Whilst I am here I will look towards Thy holy sanctuary, and I know that within a few minutes I shall behold Thee, my God and King, in Thy sanctuary above. Under the shadow of Thy wings shall be my refuge till this calamity be overpast."[85] Then he pulled of[f] his blew garter and sent it to

[84] Henry Bridgeman, D.D., third and youngest son of John, bishop of Chester, and brother of sir Orlando Bridgeman, bart., the lord-keeper. Dr. Henry Bridgeman was consecrated bishop of Sodor and Man in the year 1671 and died in 1682.

[85] It may here be recorded that the old parish church of Bolton, which was so reverently gazed upon by the earl in his last moments (and of which a woodcut is given opposite) no longer exists. The last sermon was preached in it by the vicar, on the 8th of April 1866, and the work of demolition commenced on the following day. A new and enlarged parish church will occupy its site, built by the munificence of Peter Ormrod, of Halliwell hall, esq., a native of the parish. A touching and most interesting, but totally unexpected, incident occurred on this occasion, which reminded many devout Churchmen of a scene witnessed in Palestine on the rebuilding of the second temple. (Ezra, iii. 11, 12, 13.) At the close of the last service in Bolton church the

BOLTON PARISH CHURCH.

his son; and pulling off his doublett,[86] with a very religious cheerfullness, he said: "I come, Lord Jesus, and O come Thou quickly, that I may be with Thee for ever." Upon this he sayd: "Pray tell me how I must lye. I have bin called a bloudy man, yet truly I never yet had that severe curiosity to see any man put to

Old Hundred psalm was sung by the vast congregation assembled within its hallowed walls; and many hundreds in the churchyard, unable to obtain admittance, hearing the old familiar strain ascending within the church, at once took it up outside, and the glorious notes of praise and triumph, floating and spreading on all sides of the consecrated building, and vibrating in the air, were caught by masses of people in the adjacent street, who joined in the noble psalm as only Lancashire people can, and produced a sublime and impressive effect which will long be remembered in Bolton. It was under the shadow of that church, and near the cross, that the martyred Churchman died, uttering praise and prayer:

> Praised be His holy name for ever and ever. Amen.
> Let the whole earth be filled with His glory. Amen.

[86] There are records and traditions remaining in the family of the Rev. C. K. Prescot, M.A., the venerable rector of Stockport, regarding an ancestor who was a zealous royalist and devoted to his master, James earl of Derby, and there is no reason to doubt their authenticity. William Prescot was born in the year 1603, and held the copyhold estate of Ayrfield in the township of Upholland, near Wigan, situated about four miles from Lathom house. Lord Derby was the manerial lord of Upholland, and William Prescot joined the army of his master, and continued faithful to him and the king throughout the war. His estate was sequestered by the Parliament, and the original act of sequestration, with the commissioners' names annexed, still exists in the family. Mr. William Prescot was on the scaffold with the earl, and the following incident was recorded in writing by a member of his family in the seventeenth century, the paper being still preserved: "Ralph Barton, who, though a tenant to y^e^ earl, was a private under the Parliament, and appointed as one of the guards of this execrable execution, and standing near the block, has often, on occasions, declared that when the earl kneeled down, laid his neck upon it, and

death in peace." Then laying himselfe down on the block, after a few minutes he rose again and caused the block to be a little remov'd; then said to the headsman: "Friend, remember what I sayd to thee, and be no more afraid to strike than I to dye, and when I put up my hand doe thy worke;" so looking round upon

stretching out his body on the scaffold, speaking to the said William Prescot, said — "Faithful Prescot, set thy foot to mine," with the design, as Barton took it, to prevent any start or shrinking in the execution. And (before the execution) the care of the body, with a charge that it should be removed immediately, and that not a drop of his blood should remain in Bolton, was committed by him (the earl) "to Henry Ashton of Whiston, William Prescot of Ayrfield, Richard Worthington of Newborough, gentlemen, (who had been intrusted in several affairs and services by the earl) and to Paul Morray, a native of the Isle of Man, his menial servant, who thereupon conveyed it the same night to Wigan, and afterwards to Ormskirk where it was interred in the sepulchre of his ancestors."

William Prescot died on Tuesday, September 13th 1653, in the 50th year of his age, and the Rev. Peter Stanninought, afterwards rector of Aughton, and who died there in June 1674, describing his character observes — "Unto one person of honour (lord Derby) he is known to have been faithfull to the scaffold, who for his fidelity, and out of his great affection towards him, bequeathed certain signal pledges and visible testimonies and expressions of his love unto him, which are yet remaining to be seen." What these were, Henry Prescot, esq., (born June 9th 1649) the learned antiquary and registrar of the dioceses of Chester and St. Asaph, writes thus—"He (Wm. Prescot) was with James earl of Derby when he was executed, or rather martyred, at Bolton, October 15th 1651, who then gave him his hat, his gloves, his band, and a queen Elizabeth's sixpence, the only money in his pocket." The singularly small gloves, the band, and sixpence are still preserved as hereditary relics, as well as two promissory notes of hand for £50, each given to Wm. Prescot, by the celebrated countess, and signed by herself. The portrait of this cavalier, said to be a fine painting, represents him in a green dress, now much faded, holding a halbert in his right hand and wearing a pointed beard.

SKETCH OF THE CHAIR AT WHICH JAMES, EARL OF DERBY,
KNELT IN PRAYER WHEN ON THE SCAFFOLD.

Llewellynn Jewitt, F.S.A.

his friends and y^e^ people, he sayd: "The Lord bless you all, and once more pray for me and with me;" at which words he kneeled down[87] and pray'd privately within himself, with great sighings, about half a quarter of an hour, concluding with the Lord's Prayer. Then rising up again, he said, smilingly: "My soul is now at rest, and so shall my bodye be immediately. The Lord bless my King and restore him to his rights in this kingdom, and the Lord bless this kingdom and restore y^m^ to theyr rights in theyr King, that he and they may joyne hand in hand to settle truth and peace; and the Lord bless this county and this town and this people. The Lord comfort my sad wife and children, and reward all my friends with peace and happiness both here and hereafter; and the Lord forgive them who were the cause and authors of this my sad end and unjust death, for soe it is as to mankind, though before God I deserve much worse, but I hope my sinns are all washed in the bloud of Jesus Christ." So laying his neck upon the block and his arms stretch'd out, he sayd these words: "Blessed be God's glorious name for ever and ever. Amen. Let the whole earth be filled with His glory. Amen. Amen." At which words he gave the headsman the sign; but he, either not observing it or not being ready, stayd too long, so y^t^ his L^P^ rose up again, saying: "Why doe you keep me from my Saviour? What have I done y^t^ I dye not, and y^t^ I may live with Him? Once more I will lay down myself in peace, and so take my everlasting rest." Then saying, "Come Lord Jesus — come quickly," he stretched out his arms and gave the sign, repeating the same words, "Blessed be God's glorious name for ever and ever. Let the whole earth be filled with His glory. Amen. Amen." Then lifting up his hand, the executioner did his work at one blow — all the people weeping and crying and giving all expressions of grief and lamentation.[88]

[87] The chair at which he knelt is preserved at Knowsley, and an engraving of it is annexed.

[88] So little does Mr. Brodie, the present historiographer royal of Scotland, appear to be acquainted with the career of James seventh

A copy of the Earl of Derby's speech upon the Scaffold, and of some remarkable passages in his Lop's going to it, and being upon it, with his dying words. [As it was taken by Mr. Greenhalgh, and my collection, Baggarley.]

Betwixt twelve and one of the clock on Wednesday the fifteenth of October, 1651, the Earl of Derby came to Bolton, with two troops of horse, and a company of foot, the people praying and weeping as he went, even from the castle his prison at Chester to the scaffold where his soul was freed from its prison of the body.

His Lordship being to goe to a house in Bolton near the cross, and passing by it, said, "This must be my cross;" and soe going into a chamber with some of his friends and servants, had time courteously allowed him by the Commander-in-Chief at that business till three of the clock that day, the scaffold being scarce ready, by reason the people in the town refused to strike a nail, or to give them any assistance; many of them saying, that since these wars, they had many and great losses, but never any like to this. This was the greatest that ever befel them, that the Earl of Derby should lose his life there, and in that manner.

earl of Derby, that in the last edition, recently published, of his *History of the British Empire*, which has been, he tells us, subjected to "the most searching scrutiny" (Preface), he has repeated the strange mistake which he made in the previous one (1822), in stating that "*the earl of Derby and captain Benbow were condemned by a court martial, and shot.*" (First edit., vol. iv. p. 313; and see last edit., 1866, vol. iii. p. 318.) Surely the veriest tyro in English history knows that lord Derby was beheaded at Bolton. But Mr. Brodie seems to have a wonderful faculty of deliberately shutting his eyes when anything fine, or great, or heroic, has to be observed or chronicled on the part of king Charles and his adherents. In D'Israeli's *Commentaries on the Life of Charles* he has ably exposed Mr. Brodie's general unfairness, captious special pleading and strong party bias, which, in addition to the numerous errors in detail with which it abounds, must always prevent his work being accepted as a trustworthy record and text-book of this period of our annals.

His Lordship (as I told you) having till three of the clock allowed him, spent all that time with those that were with him, in praying with them, in telling them how he had lived, and how he had prepared for his death, how he feared it not, and how the Lord had strengthened him and comforted him against the terrors of it. After such and the like words he desired them to pray with him again; and after that giving some good instructions to his son, the Lord Strange, he desired to be in private, where we left him with his God; and where he continued upon his knees a good while in prayer; then called for us again, telling how willing he was to die; how willing he was to part with this world, and that the fear of death was no great trouble to him never since his imprisonment, though he had two or three soldiers with naked swords night and day in his chamber; only the care he had of his wife and children, and the fear he had what might become of them, was often in his thoughts, but now he was satisfied that God would be a husband and father unto them, into whose hands he committed them; and so taking leave of his son, and blessing him, called for an officer, and told him he was ready.

At his going towards the scaffold, the people prayed and cried, and cried and prayed. His Lordship with a courteous humbleness said, "Good people, I thank you all; I beseech you pray for me to the last. The God of heaven bless you; the Son of God bless you; and God the Holy Ghost fill you with comfort!" And soe coming near the scaffold, he laid his hand upon the ladder, saying, "I am not afraid to go up here, tho' I am to die there;" and so he kissed it and went up. And then walking a while upon the scaffold, settled himself at the east-end of it, and made his address to the people thus:

"I am come and am content to die in this town, where I endeavoured to come the last time I was in Lancashire, as to a place where I persuaded myself to be welcome; in regard [to which] the people thereof have reason to be satisfied of my love and affection to them; and that now they understand sufficiently that I am

no man of blood, as some have falsely slandered me, especially in the killing of a Captaine in this towne, whose death is declared upon oath soe as the time and place and person now appear under the hand of a Master of the Chancery, besides the severall attestations of a Gentleman of honour in this kingdom who was in the fight in this towne, and of others of good report both in this towne and country, and I am confident there are some in this place who can witness my mercy and care for the spareing of many men's lives that day.

"As for my crime, (as some are pleased to call it,) to come into this country with the King, I hope it deserves a better name; for I did it in obedience to his call, whom I hold myself obliged to obey, according to the protestation I took in Parliament in his father's time.

"I confess I love Monarchy, and I love my master Charles II. of that name, whom I myself proclaimed in this county to be King. The Lord bless him and preserve him. I do believe and assure you he is, for his age, the most godly, virtuous, valiant and discreet Prince that I know this day lives; and I wish so much happiness to this people after my death, that he may enjoy his right, and then they cannot want their rights.

"I profess here in the presence of God, I always fought for peace, and I had no other reason, for I wanted neither means nor honour, nor did I seek to enlarge either. By my King's predecessors mine were raised to a high condition, as is well known to this country; and it is as well known that by his enemies I am condemned to die, by new and unknown laws. The Lord send us our King again, the Lord send us our old Laws again, and the Lord send us our Religion again; as for that which is practised now, it hath no name; and methinks there is more talk of religion, than any good effects thereof. Truly to me, I die for God, the King and the Laws; and this makes me not to be ashamed of my life, nor afraid of my death."

At which words, "King and Laws," a trooper said, "We have

no King, and we'll have no Lords." Then some sudden fear or mutiny fell among the soldiers, and his Lordship was interrupted, which some of the officers were very much troubled at, and his friends much grieved (his Lordship having freedom of speech promised). His Lordship seeing the troopers scattered in the streets, cutting and slashing the people with their swords, said, "What 's the matter, gentlemen? Where 's the guilt? I fly not, and here 's none to pursue you."

Then his Lordship perceiving he might not speak freely, turned himself to his servant, and gave him his paper, and commanded him to let the world know what he had to say, had he not been disturbed, which is as followeth, as it was (found) in his Lordship's papers, under his own hand.

"My sentence (upon which I am brought hither) was by a Council of War (nothing in the Captain's case alledged against me), which Council I had reason to expect would have justified my plea of quarter; that being an ancient and an honourable plea amongst soldiers, and not violated that I know of till this time. I am made the first suffering precedent in this case; I wish that no other suffer in the like case. Now I must die; and now I am ready to die, I thank my God, with a good and quiet conscience, without malice to any, upon any ground whatsoever; though others would not find mercy for me upon just and fair grounds; but I forgive them, and I pray God forgive them; soe my Saviour prayed for his enemies, and so do I pray for my enemies.

"As for my faith and my religion, thus much I have to say at this time. I profess my faith to be in Jesus Christ, who died for me, from whom I look for my salvation, that is through his only merits and sufferings; and I die a dutiful son of the Church of England, as it was established in my late Master's reign, and is yet professed in the Isle of Man, which is no little comfort to me. I thank my God for the quiet of my conscience at this time, and for the assurance of those joys which are prepared for those that fear him. Good people, pray for me; I do for you. The God of

heaven bless you all, and send you peace; that God, who is truth itself, bless you with peace and truth. Amen."

Presently after the uproar was past, his LOPP walking upon the scaffold, called for the headsman, and asked to see the axe, saying, "Come, friend, give it into my hands; I'll neither hurt it nor thee, and it cannot hurt me; I am not afraid of it, but kiss it willingly;" and he gave it the headsman again; then asked for the block, which was not then ready; and turning up his eyes, said, "How long, good Lord, how long?" And then putting his hand into his pocket, his Lordship gave him two pieces of gold, saying, "This is all I have, take it, and do thy work well; and when I am upon the block, and lift up my hands, then do you your work: but I doubt your coat will hinder or trouble you," (being a great black shagge.)

Some standing by, bid him ask his Lordship's forgiveness, but being either too sullen or too slow, his Lordship forgave him ere he asked it; and so passing by to the other side, where his coffin lay, and spying one of his Chaplains on horseback amongst the troopers, said, "Sir, remember me to your brother and friends; you see I am ready, and the block is not ready; but when I am got into my chamber, as I shall not be long out of (pointing to his coffin), I shall be at rest, and not troubled with such a guard and noise as I have been;" and so turning himself again he saw the block, and asked if all was ready; and so going to the place where he began his speech, he said "Good people, I thank you for your prayers and for your tears; I have seen the one and heard the other; and our God sees and hears both. Now the God of heaven bless you all. Amen." And so bowing, turned himself towards the block, and then looking towards the Church, his Lordship caused the block to be turned and laid that ways, saying, "I will look towards thy Sanctuary whilst I am here, and I hope to live in thy Sanctuary which is above for ever."

Then having his doublet off, he asked, "How must I lie? will any one shew me? I never saw any man's head cut off; but I'll try

how it fits." So laying him down and stretching himself upon the block, he rose again, and caused it a little removed; and standing up and looking towards the headsman, said, "Remember what I told you; when I lift up my hands then do you your work;" and then looking at his friends about him, said, bowing, "The Lord be with you all, pray for me;" and so kneeling upon his knees, he made a short and private prayer, ending with the Lord's Prayer, and bowing himself again, said, "The Lord bless my wife and children, and the Lord bless us all:" and so laying his neck upon the block, and his arms stretched out, he said these words aloud:

"Blessed be God's glorious name for ever and ever. Amen.

"Let the whole earth be filled with his glory. Amen."

And then lifting up his hands, was ready to give up the ghost, but the headsman not well observing was too slow, and his Lordship rose again, saying, "What have I done that I die not? and why do you not your work? Well," says his Lordship, "I will lay me down once again in peace, and I hope I shall enjoy everlasts peace, and so laying himselfe downe againe, his neck upon the block and his arms stretched out, and saying the same words — "Blessed be God's glorious name for ever and ever. Amen. Let the whole earth be filled with his glory. Amen." And then again lifting up his hands the executioner did his work, and God no doubt hath done his too, and saved his soul; and no noyse was then heard but sighs and sobs and prayers.

When the corpes was carried off the scaffold, they conveyed theme [it] to a house in the towne, where was thrown into his coffin, on a piece of paper, these two lines:

Upon James Earle of Derby
Bounty, Witt, Courage, here in one lye dead,
A STANLEY'S hand, VERE'S heart, and CECIL'S head.

It might have been supposed that the death of the earl would have satisfied his enemies, but their revenge was not easily appeased. The Isle of Man was still held by lady

Derby, and on Monday the 29th of September an illiterate but confidential agent and friend, writing "to the Hon^ble Richard Bradshaw," as he styles the nephew of the president, stated — "Our design is now for his [lord Derby's] Ilond which I shall rejoyce if it were in our hands, hee breed so much mischief;"[89] and on the day following Cromwell, of course "obeying the dictates of conscience and duty," as all men do who seek not their own wealth but the common wealth, dispatched with great haste the following letter to colonel Birch, M.P., governor of Liverpool:

SIR, — I doe well assure you that befour this I sent you an order to bee assistinge in the expedition against the Isle of Man, but hearing nothing from you, I doubt whether my orders came to you. But now I thought fitt to sende this desire that (Coll. Lilburne being employed another way) you would be assistinge to Coll. Duckenfield in this seruice, who is the Comander in Cheefe.

I reste your uery lovinge frend,

O. CROMWELL.[90]

Sept. 30th 1651.

ffor the Hon^ble Coll. Birch att Leuerpoole theise post hast.

On the same day the Whitehall council ordered the letter next following to be sent to colonel Dukinfield:

S^R, — Wee have seene yo^r two tres of y^e 27^th inst. concerning the businesse of the Isle of Man, which have been read at the Councell. That businesse is referred to y^e Lord Gen^ll, from whom yo^u will receive directions in it and all things concerning it. The

[89] *ffarington Papers*, App., p. 168.

[90] Draft Order Book, 51, 3. The original letter is in the possession of Miss ffarington, Worden hall.

regim[ts] that are appointed to y[r] service have their tents, and for pioners' tooles order hath been given for them, and there is no doubt but they will bee furnished.

Whitehall, 30 September 1651.[91]

As soon as lord Derby had fallen into the hands of his enemies, and before he was sent to his judges to be formally condemned, measures were adopted by the ruling powers to seize the Isle of Man, which the Parliament had found to be impregnable whilst the earl was in it, his lordship having strongly fortified his island, and having been diligent in privateering on the parliamentarians in the channel at the time when the new phase in the war appeared.[92] Cromwell determined that a vigorous attempt should be made to secure the island, along with the countess and her faithful band of friends and associates. Clarendon says that the same night (after the earl's execution) one of those who was amongst his judges (Dukinfield?) sent a Trumpet to the Isle of Man, with a letter directed to the countess of Derby, by which he required her to deliver up the castle and island to the Parliament;[93] and eight days after the earl's execution Dukinfield and Birch proceeded with an armament of ten ships and a considerable military force for the reduction of the island. The earl had recommended his wife to surrender it to the Parliament, as he foresaw that even her energy and determination would fail, after his death, to retain possession of his insular property, and that prejudices and animosities

[91] Dom. Interregn., 117, 561.

[92] Whitelock's *Mem.*, May 30, July 2, 1651.

[93] *Hist. Rebell.*, vol. ii bk. xiii. p. 412.

against his family would be inextinguishable, whilst by a voluntary surrender she might simplify her future course and recommend herself and her children to the clemency of the usurping powers. But lady Derby was not permitted either to adopt or even to know the nature of her husband's recommendation; so that no negotiations were entered into on her part with the officers of the Parliament, and the insurrectionary powers had no opposition to surmount from her ladyship. At a subsequent period she stated that she had heard of her dear lord's capture and imprisonment, but how she had heard we know not, except on sir Henry Wotton's maxim, that "the winds are tale-bearers," and that she immediately sent Henry Brockden to endeavour to secure his lordship's release, but that before her servant's arrival her "husband had been murdered;" and in her fear, and it was not the dream of timidity, lest his life should be endangered and evidence sought to criminate him, she had too hastily burned all his letters and papers.[94]

When the earl left the island he appointed, in his absence, William Christian to be the deputy-governor, and, as he had enjoyed the earl's confidence, to him was committed the protection of the countess and her children. This man entered into a conspiracy with the enemy, and, without hesitation or alarm, basely betrayed the island to the agents of the Parliament; and it is stated that he seized upon the unsuspecting lady and her helpless children in the middle of the night, and, as an inevitable result, they

[94] Dom., vol. xiii. 5, A.D. 1660.

were forthwith imprisoned.[95] Lady Derby had not suspected this treacherous foe of her own household, as all

[95] Rolt's *History of the Isle of Man*, p. 89, 1773. After the capture of lady Derby her house was plundered of its goods and plate, and Lawrence Owen, an agent of the commissioners for composition, was sent over to the Isle of Man to seize the estate. In the meantime colonel Dukinfield, after the reducing of the island, had secured, according to his own statement, 3350 ounces of the plate, (which he maintained belonged, not to the countess, but to her late husband,) in lieu of a debt of much larger amount and value owing to him (colonel Dukinfield) by the state. He craved leave of the commissioners to speak in his own behalf, and on that of the commonwealth, prior to the countess being permitted to compound, and that reasonable time be allowed him, he being away in Cheshire upon business. He also stated that much of the other goods, plate and effects which he had charge of had been sold by the sequestrators, but that some portions still remained in Chester castle and in the custody of captain Eyton. (Royalist Comp. Papers, 1st series, 19, 393.) It might have been supposed that at least part of the personal estate belonged to the widow and her eldest son, had any legal rights in connection with the family been recognised. The plate, however, was soon in other hands, as on the 31st of January 1653 Daniel Trioche deposed, before the commissioners for compounding, that he had seen on Saturday last in the hands of one Nathan Wilson, living at the White Hart in Basinghall-street, "a large cestern, two wall candlesticks, one table candlestick, one tumbler, and four spoones," all of silver, which were part of the plate delivered at the surrender of the island and compounded for by the countess, he being present at the time. (Ibid., 19, 383.) On the 11th of April 1653 an order was made by the commissioners for inquiry on the subject (Ibid., 19, 357), and a lengthened report made its appearance a year and a half afterwards, dated the 18th of October 1654, signed "Peter Brereton," and which was "heard 19th Dec.;" from which it appears on the affidavits of Henry Asheton, servant to James late earl of Derby, and Thomas Morris, secretary to the earl, and by a copy of Lawrence Owen's account, certified by Mr. auditor Browne, that the only goods

along she had done well what deserved to be done well, and what had seldom been attempted to be done before; and even now, unable any longer to assert her authority, and hated and scorned by men who felt she was great in her weakness, and victorious even when vanquished, she

belonging to the earl, and at that time to the countess of Derby, which were delivered to the said Mr. H. Asheton, were — "one great chaire covered with velvet, laid with gold lace and fringe; six chairs and five stooles covered with silk and gold fringe; foure stooles covered with yellow damask with short silver fringe; five pieces of old arras hangings; one skrewe desk for a book; one pillar for a bowle to wash in; some curtains for a bed; one greene rugg; one greate cheste filled with old deedes and writings; one trunke, and in it seaven hard twists, thread and silk; one guilt clock; one great frame for a looking glass; one wooden voyder with four silver handles; four table covers of leather; two greate skreenes; twelve pieces of old hangings; one wooden chest, having in it two old cushions and twenty-one yards of coarse tickinge:" but the value of those articles is not mentioned. It appeared that some goods were still in the hands of Mr. H. Asheton, but that everything which he received from the said Owen for the use of the countess was not worth more than about four score pounds. (Ibid., 19, 357.) Owen admitted that some of the goods were disposed of by certain officers known to him, and that the goods which he had himself sold amounted to £748. 12s. 8d. (Ibid., 19, 357.) It may be added here, that an act passed on the 8th of October 1653 for admitting the countess to composition on condition that £1000 be given out of her estate to Robert Massey for satisfaction of his losses (Ibid., 19, 355, 392); and yet on the 9th of June 1654 a letter was addressed to the countess (by the commissioners?), signed "T. Bayley," in which she is required forthwith to pay into the treasury all monies received by her out of her estate while she held the same upon security, according to a bond into which she had entered, otherwise a levy would immediately be made. A memorandum at the foot states that this notice was served upon lady Derby's footman. (Ibid., 19, 382.)

maintained her naturally invincible courage, and was unmoved in her sharpest sorrow. Although the enemy had not come in like a flood, nor with the roar of cannon like the roar of many waters, nor with pioneers' tools and treacherous engineering, as directed by Cromwell, but by stealth and falsehood, yet she reverently felt and gratefully acknowledged, in all her many trials, that "the Spirit of the Lord had raised up a standard for her." Sir Philip Musgrave held Peel castle, and sir Thomas Armstrong had the command of Castle Rushen; but as captain Christian had treacherously surrendered the island almost unconditionally, all resistance was at an end, and the commonwealth had become victorious.

The lordship of the island was now given by the Parliament to lord Fairfax, who deputed commissioners to regulate its affairs, Christian, the traitor, being appointed receiver-general, and probably deputy-governor, which latter office he certainly filled from the year 1656 to 1658. During that time his financial accounts became involved, his own estate was sequestered, and this unhappy man was obliged to leave the island.

Whilst lord Derby was on the eve of leaving the Isle of Man, to join the young king in his perilous adventure, he resolved to carry out some wise purposes which he had formed. He had at one time written in his Journal: "Order the affairs of thy soul before thou be sick; Dispose also of thy house; Make thy will; Do that which is to be done whilst thou art in health, whilst thou art wise, and

whilst thou art thy own."[96] He therefore set to work to put his private affairs in order, as his Will informs us. On the 10th of July 1651 he conveyed his property to trustees, subject to his own requirements, and on the 1st of August 1651 he executed his will.[97]

His son lord Strange was at that time abroad, but a report reached the earl that he had left the king's service and had joined the rebels. The channel of communication, through which the intelligence came, seemed to the earl to be trustworthy. He was thrown off his guard, and felt that his destiny was indeed dark, and that his last hope was wrecked. He knew how bitterly lord Denbigh had deplored the part which his truculent son lord Feilding had taken in the war, and how the old marquess of Winchester's son had treacherously betrayed Basing house to the rebels, and earl James felt that a keener or more deadly dart could not have been hurled at him than this disloyalty of his son. His enemies knew this also, and they thought, with cardinal Lorraine, that a lie, believed but for an hour, might produce effects of seven years' continuance. The earl, unfortunately, did not consider that this "was a thing devised by the enemy," and was used as a weapon against himself. In a moment of such agony as a man of his lordship's loyalty alone could feel, he sat down to make his will, and feeling and thinking, with his favourite St. Augustine, that *qui non corrigit non regit*, he certainly did not spare the rod.

The offences charged upon the son by his father are two-

[96] *MS. Observations*, p. 57. [97] See Will, Appendix.

fold: first, "his disobedience to his majesty in the matter of his marriage, as his majesty well knowes;" and secondly, "for his goeing to joyne with the rebells of England att this tyme, to the great griefe of his parents, by which he hath brought a stayne upon ther blood," and upon "the untaynted honor of a loyall family."[98]

Charles Stanley, godson of king Charles the First (as his father was of king James,[99] from which sovereigns they obviously derived their Christian names) was a seven-months' child, and was born on the 19th of January 1627-8.[1] His father repeatedly alludes to his general debility and long sickness,[2] and yet his education, under archdeacon Rutter, was not unsatisfactory to the earl, who was a very competent judge. It must have been carried on under many interruptions. During the years 1643, 1644 and 1645, Rutter was in Lancashire at both the sieges of Lathom, and lord Strange was then in the Isle of Man. In 1647, under the sequestrating ordinance, lord Derby's six children were permitted to live at Knowsley,[3] and thence lord Strange probably went into Holland, although his father had said, probably in tranquil and happy days, that he had no intention his son should travel.[4] Here he married, in 1650, Dorothea Helena

[98] See Will, Appendix.

[99] King James I. gave plate to William earl of Derby, at the christening of his son James lord Strange, 1606; Nichols' *Prog. of James I.*, vol. i. p. 593.

[1] *Diary*, p. 3. [2] Peck's *Desid. Cur.*, lib. xi. ch. xiv.

[3] State Pap. Royalist Comp. Pap., vol. xix. 1st series.

[4] Peck, lib. xi. ch. xiv.

de Rupa (maid of honour to Elizabeth, queen of Bohemia), who, according to the printed pedigrees,[5] was the daughter of a Dutch nobleman, John Poliander Kirkhoven, by a marriage with Catherine, widow of Henry lord Stanhope, the earl of Chesterfield's son. This lady was the eldest of the four opulent daughters of the last lord Wotton, and accompanied the princess of Orange, daughter of Charles the First, into Holland, there remaining during the Civil war, and greatly assisting the royal cause by sending arms, ammunition and money to England.[6]

Charles the Second evinced much gratitude towards this zealous partisan. Passing over the Stanhopes, he made her son, Charles Henry Kirkhoven, in 1650, lord Wotton, who

[5] Catherine countess of Chesterfield, in her will, dated the 15th of December 1666, and proved the 12th of April 1667, does not mention the countess of Derby or her children. Charles Henry Kirkhoven (afterwards lord Wotton and earl of Bellomont in Ireland), and his sister Emeline Kirkhoven were naturalized in England in 1660. The latter died unmarried *ante* 1664. Dorothea Helena de Rupa (lady Derby) was naturalized by act of parliament in England on the 29th of August 1660. (*Lords' Journals.*) No mention is made of the Derby family in the will of the earl of Bellomont, who died without issue in 1682, and whose property ought to have descended to his presumed sister the countess of Derby. It is conjectured that the baron de Rupa of Germany, and John P. Kirkhoven, lord of Hemflete in Holland, were totally distinct persons, and that Catherine lady Chesterfield was not the mother of lady Derby. The latter, who proved to be an excellent wife, mother, and christian, died at Lathom house, and was buried at Ormskirk on the 16th of April 1703. Her funeral sermon was preached by the Rev. Richard Hunter; and there is a notice of her in Wilford's *Memorials and Characters*, p. 52, folio, 1741.

[6] Banks's *Peerage*, vol. iii. p. 375.

was not naturalized until September 1660; and in the following year his mother received the title of countess of Chesterfield. That the marriage of lord Strange with her daughter should be an act of disobedience or distasteful to Charles the Second requires an explanation which is not given. His marriage might have been promised to the king, who was thus deprived of his quasi ward by the independent choice which he was pleased to make. The young lord had been contracted or betrothed, when a boy, to Ann, the sole heir of lord Cottington, but neither love nor ambition had been the moving cause, and no unhappiness was entailed, at least on the young lady, as she died at Knowsley on the 17th of June 1643, and earl James calls her his "daughter-in-law."[7]

As to lord Strange joining the roundheads, there is not, as might have been expected, any trace of it in history. He was as consistently loyal as his father, whose noble example he may be supposed to have implicitly followed. As a royalist, he abated no demands, relinquished no pretensions, but stood on the defensive, and believed that better times would come and better principles prevail. It is satisfactory to be able to record, as it would be unspeakable consolation to the earl to find, that lord Strange had been grossly calumniated, and that no change whatever had taken place in his public conduct. When the great earl was in prison his eldest son, full of grief and affection, arrived at Chester,

[7] *Diary*, p. 4. She was "buried in my lord's chancell" at Ormskirk, on the 5th of September 1643. *(Register Book.)*

and did all that a good son could do to obtain his father's pardon. "My son with his spouse, and my nephew Stanley, have come to see me; of them all I will say nothing at this time, excepting that my son," said the earl, "shows great affection, and is gone to London with an exceeding concern and passion for my good. He is changed much for the better, and would have been a greater comfort to me if I could have left him more, or if he had provided better for himself."[8] Injudicious persons who ought not to have been listened to, and who had prejudiced lord and lady Derby against their youthful and evidently not wealthy daughter-in-law, were now seen in their true character. The old and forgiving spirit of the earl again revived, "and all his love came back a hundred fold;" and he wrote to his wife, in his own charming and characteristic manner, to announce the reconciliation which had taken place.[9] The father and son were constantly together, and rode by each other's side from Chester to Bolton. On the fatal 15th of October we read: "And then giving some instructions to his son, lord Strange, he desired to be in private, where we left him with his God."[10] His son reverently attended upon his father's remains, conveyed them after the execution, according to tradition, to sir Roger Bradshaigh's of Haigh hall, Wigan, and on the following day deposited them at Ormskirk.

Year after year the young earl haunted Cromwell's houses of commons without obtaining the redress of his wrongs.

[8] Seacome; see also *ante*, p. cci. [9] See *ante*, p. ccxxvii.
[10] See *ante*, p. cclv.

Himself, his mother and her children repeatedly appealed as suffering delinquents, until they must have been worn out by their applications, to the commissioners for compounding with such deeply-injured individuals, but with little success. Petitions and reports, letters and orders, depositions and certificates, exceptions and conditions, are preserved in startling numbers, constituting a mass of melancholy evidence of the privations and sufferings, insults and injuries of this down-stricken family; but there is not a line to prove that the young earl ever succumbed to Cromwell, or that he obtained his £500 per annum,[11] which was ulti-

[11] Royalist Comp. Papers, 1st series, 19. 379. By two acts — one in the parliament of 1653, and again in that of 1657 (Burton's *Diary*, vol. i. p. 297; vol. ii. p. 81) — we observe: Col. Ireland and Mr. Grosvenor interest themselves in lord Derby's favour. Major Brooke says (April 30th 1657): "This noble family is in the most distressed condition of any family in England, and if you do not confirm this (the act) they must go a begging." In 1653 earl Charles presented a petition to the council of state, in which he said that he had long attended the house of parliament praying their relief for a maintenance out of his late father's estate for himself, his wife and two small children. He says further, "that God having now put the power of doing justice and shewing mercy to innocent persons into your hands hath emboldened your poor petitioner to present in the annexed paper the true state of his condition, humbly beseeching that God would put it into your thoughts to take the same into serious and speedie consideration, your poor petitioner being in danger every hour to be arrested and laid upp in prison for his necessitated debts entered into for want of maintenance out of his late father's estate, and to order therein what your wisdoms shall seeme meet." (Dom. Interregn., 668, 70.) It appeared that up to this time the earl had received £101 of the sequestrators of the county of Lancaster and no more either there or in any other county. (Royalist Comp. Papers, 1st series, 19, 407.)

mately allowed him out of his mother's sequestration on the 15th June 1653, by any base compliances.

At the time earl James made his will he was not in possession of any pecuniary resources in England, and the large sums left to the younger children were therefore prospective, and charged upon both the personal and real property. The admission, that the validity of the will depended upon the king's having the power and the inclination to second lord Derby's views, is clearly expressed. It had therefore a relation to some future time, of uncertain occurrence, and the king was requested to deprive the eldest son of the titles and estates, to give them to his younger brothers in succession, and, if necessary, to confer them on the daughters. The earl did not seek to divide his property equally amongst his children, and thus abolish the law of primogeniture, but simply sought to mark his strong disapprobation of disloyalty, and to enforce a principle not so much of justice or injustice as of public policy. To those at all acquainted with the laws which regulated such matters in England, and especially with the circumstances under which the father of the seventh earl inherited these very honours and lands, and the close entails made by the seventh earl himself in 1626 and subsequently, this interference with the direct descent will appear almost incredible. We can only reconcile the curious facts by believing that, after the testamentary paper had been executed, the earl had discovered that the provisions contained in it were illegal, and therefore altogether null and void, and

that it had consequently ceased to exist as a formal legal instrument. Although the will had probate granted in the proper ecclesiastical court, it does not appear to have been acted upon by the executors nor recognized by the family; and there is no trace of it in the litigation to which the Derby property was exposed after the Restoration, and no property was more thoroughly sifted as to its controlling powers under the Cromwell rule.

Earl James had been frequently excepted from pardon as a traitor; and in the last parliamentary act (July 1652) the Derby estates were all regarded as confiscated, and ordered to be sold,[12] no sequestration or composition of any sort being granted, and no *locus pœnitentiæ* being allowed to earl Charles or to any of his family, everything they did, or did not, being equally objected to, and their utter depression being sought by Cromwell and the republican party.

It was under these appalling circumstances that earl Charles, in order to raise money in his deep penury, transferred certain lands, during the commonwealth, on leases obscurely expressed, on the payment of fines, without any intention of alienating them in fee from his family, but of the reversion of which he was deprived by the act of indemnity. Shortly after earl James's death, however, the manor of Hawarden was purchased, not from earl Charles, but from the agents of sequestration, by sergeant Glynne, without the voluntary consent of the earl having been obtained at all. In 1660 and 1661 the validity of this and other

[12] Scobell's *Acts*, p. 156.

transfers was contested by his lordship, and the lords, on the 14th of July 1660, recorded on their Journals that "there was force and fraud in gaining the fine and other evidences from lord Derby." This induced Glynne to make an offer to the earl of the surrender of Hawarden for a lease of three lives, but the proposal was either rejected or not immediately accepted. On the 6th of February 1661-2 the lords sent down to the commons a private bill for the restoring to Charles earl of Derby, Hope and Mold and the manors and lands which had belonged to his late father, and which had been sold during the usurpation without his (earl Charles's) consent. This bill had passed the lords, under the protest of Clarendon and twenty-four peers, who wrongly alleged that the earl himself had conveyed Hope and Mold, without referring to the fact that the conveyance had been made by the sequestrators. The bill was strongly opposed in the house of commons, and was laid aside without ever coming to a second reading.[13] It was clearly not "a most honourable action of the king" that the bill did not pass, as it never passed the commons; but so many of the members of the house had incurred a *præmunire* under the late ruling powers that they were glad to stop at once all further proceedings, and to inflict an individual wrong to secure themselves.[14] The earl, finding that the Government opposed his reasonable claim to protection, and to the

[13] Drake's *Parl. Hist.*, vol. xxxiii. p. 53.

[14] Pennant (*Wales*, vol. i. p. 99, 4to) gives the principal facts on the authority of sir John Glynne, the sixth baronet, of Hawarden castle.

reversion, not merely of seigniorial rights but of several of his estates, sold by the agents of sequestration, was glad to compound for them with interested and crafty lawyers, who were indirectly strengthened in their possession by the Parliament, as best he might; and the inevitable consequence was, that, on the payment of "a trifle" by the occupiers, the estates were finally lost to the Derby family.[15] In these

[15] When a clear-sighted writer like Mr. Hallam, in giving expression to his own individual views, takes liberties with history, it is well to point out his inaccuracies of statement. The following specious note, published in edition after edition of his great work, contains not only a want of fidelity in detail but of accuracy in relating the facts, and it is to be regretted that he did not avail himself of the simple truth, which was easily accessible, and which is given above:

"A bill discharging the loyalists from all interest exceeding three per cent. on debts contracted before the wars, passed the commons, but dropped in the other house. The great discontent of this party at the indemnity continued to show itself in subsequent sessions. Clarendon mentions with much censure, that many private bills passed about 1662, annulling conveyances of land made during the troubles (pp. 162, 163). One remarkable instance ought to be noticed, as having been greatly misrepresented: At the Earl of Derby's seat, of Knowsley in Lancashire, a tablet is placed to commemorate the ingratitude of Charles II. in having refused the royal assent to a bill which had passed both houses for restoring the son of the Earl of Derby, who had lost his life in the royal cause, to his family estate. This has been so often reprinted by tourists and novelists, that it passes currently for a just reproach on the king's memory. It was, however, in fact, one of his most honourable actions. The truth is, that the cavalier faction carried through parliament a bill to make void the conveyances of some manors which Lord Derby had voluntarily sold before the Restoration, in the very face of the act of indemnity, and against all law and justice. Clarendon, who together with some very respectable peers, had protested against this measure in the upper house, thought it his duty to

proceedings the dowager countess of Derby and her younger sons, and sir Orlando Bridgeman, took a part in support of the earl's fair claims, but we find no trace in any of them of his father's will.

After the surrender of the island, the countess retired from the public gaze, and for some time was kept in a modified sort of restraint in the island. It is true that she endured neither outrage nor torture, but she was subjected to illegal detention and pillage; and if the former was only nominal, there was still no escape from it, and the latter had been exercised with unsparing severity. In this seclusion and privacy, which harmonized well with her altered state, she watched over her children and, as far as she was able, protected their interests, and observed religious and humane duties.[16] She felt that she had even yet a mission to fulfil, and to overcome a deep-rooted sorrow. How many there

recommend the king to refuse his assent. (*Lords' Journals*, Feb. 6th, and May 14th, 1662.) There is so much to blame in both the minister and his master, that it is but fair to give them credit for that which the pardonable prejudices of the family interested have led it to mis-state." (Hallam's *Constitut. Hist. England*, vol. iii. p. 30, edit. 1827; vol. ii. p. 235, edit. 1855.)

[16] On the 11th of April 1654 Mr. Henry Scobell informed the commissioners for managing estates under sequestration that the lord-protector commanded a copy of all the particulars upon which the countess dowager of Derby had compounded, and also a certificate of such presentations, advowsons, &c. which were claimed by her. (Royalist Comp. Papers, 1st series, 19, 375.) On the 7th of July the following holograph letter was addressed by her ladyship to the commissioners for compounding (marked, "Received on the 8th July 1654 from Mr. Trioch"):

were who sympathized with her and wept, as they recited the tale of her wrongs and hardships by twilight fire-sides and in ingle-nooks in all parts of Lancashire, is well known, for the story is not forgotten yet![17] And in the island, notwithstanding her impoverished and forlorn condition, she was attended by at least some of the faithful clergy who, though silenced and persecuted, did not forget the allegiance which was due to their sovereign, and the obligations required of them as citizens of the state, and, above all, their duties and responsibilities as teachers of religion. Rutter, Bridgeman and Grenehalgh rightly interpreted their duty to her ladyship, and she clung to them all, especially to the first, as the sincerely-attached friends of her lord. The exact period and

"GENTLEMEN,—You may please to understand that I know nothing touching the reference from his highnesse the Lord-Protector of the 21st of Aprill last, touching the settling of an augmentation out of the Rectory of Ormeskirk, further then it is intimated to me by your letter of the 29th of June, having before had noe notice of it. But, however, I humbly certifie you that upon payment of the moneys for my composition in November last, the same was conveyed over to those who payd in the moneys, for their satisfaction and indemnity, soe that it is not in my power to treate about it.

"I remaine your most humble servant,

"E DERBY."

Although lady Derby seems to have applied in vain for an abatement out of the moiety of the fine which had been harshly thrown upon her (Ibid., vol, i. 19, 370), we find her ladyship on the 24th of November 1654 consenting to an agreement, signed on her behalf by her agent Daniel Trioch, to settle £90 per annum in perpetuity for a preaching minister in the town of Ormskirk. (Ibid., 19, 373.)

[17] See Professor Claughton's Installation Ode, at Oxford 1853, Appendix..

duration of her imprisonment in the island is unknown, and so is the amount of her suffering; but had the noble individuals themselves given a detail of their adventures, privations and ill-usage, another touching narrative would have been added to the already too copious records of persecution. The mother seems to have been allowed the society of those children who were with her at her betrayal, but there is no account of what became of the daughters who were imprisoned at Chester. There was, however, probably some mitigation of their punishment allowed on the part of their unscrupulous captors.

For about two years before the Restoration lady Derby was permitted, probably through the influence of Thomas lord Fairfax, governor of the Isle of Man, to live at Knowsley, but on what terms and with what restrictions has not been discovered. She patiently awaited the arrival of better days, with the fullest sense of her rights and injuries, and a strong conviction of the duties of her station; and amidst all the vicissitudes of fortune never forgot how to respect herself and the noble family, quite as illustrious as her own, to which she was allied. The Restoration came at last,[18]

[18] The following memorandum from the Register Book of Ormskirk shows how heartily the Restoration was welcomed by the earl of Derby's tenantry in that town:

"Charles, by the Grace of God, the Second, sonne of Charles the First, King of England, Scotland, France and Ireland, Defender of the Faith, &c. 1660, Proclaymed twice at the Markett Crosse at Ormskirke by the Right Wor^{ll} John Entwisle Esq., one of His Ma^{ties} Justices of Oyer and Terminer, Peace and Quorum, per Will. Grice Reg^{r}, with great alacrity, and to the joy of all His Ma^{ties} loving Subjects. Crowned

and there came along with it for her the reverence not of the English people only, which she had long awakened and possessed, but of every court in Europe, it may be with the exception of her own, where she found herself gone out of fashion, and she was everywhere regarded as a model of devotion and loyalty, worthy alike of her royal descent and of her virtuous husband, who was now popularly ranked amongst "the noble army of martyrs."

The following letter, addressed to her sister-in-law, dated London 31st January 1661-2, is very characteristic, and indicates her views of the public proceedings consequent on the late troubles, and expresses her exasperated and perhaps pardonable feelings towards the cruel oppressors of her family. It is here translated from the French:

A Madame,

A Madame la Duchesse de Tremouille.

Janry 31st, London 1661.

I should not have written to you, my dear Sister, by this post (courier or messenger), if the Sieur de Relincourt had not wished me to send this packet for his father to you, and I could not refuse him, because it is in answer to the one you sent me with your last letters of the 29th. This will inform you, there was a fast observed throughout all his Majesty's dominions yesterday, in honour of the late King, of glorious memory, according to an Act of Parliament which ordered that Cromwell, Ireton and Bradshaw[19] should

King at Westminster the 23 day of Aprill, being St Georg Day, 1661, Anno R. R. Caroli, nunc Angliæ Decimo tertio, Anno Domini 1661: per Will. Grice, Regr. (Communicated by Mr. Jas. Dixon, Ormskirk.)

[19] In her foreign idiom she had pronounced as she had here spelt the names of these three great foes of her family, "Cromel, Egerton and Bradcher."

be disinterred on the previous day, drawn upon a hurdle through every quarter of the town, hung upon the common gibbet, and then buried underneath it. There is nothing which more fully convinces me of the vanity of this world, and that all but the fear of God is nothing. We can say with truth that it had been good for that man that he had never been born. All those wickednesses, all those murders, and all that Machiavellian policy (derived from his favourite book) have cast eternal infamy upon him and his family. It is better to be poor and have a peaceful conscience. This [thought] makes me bear the miserable condition in which I and my children are, patiently; and although this pension will assist me a little, yet, having nothing but that for them, I cannot tell what will become of us. Much is promised, but the performances are long in coming. I believe the Queen[20] and Princess will be in Paris before this reaches you, unless the illness of her Royal Highness should detain her Majesty. It is J. C. who will always give all the respect, duty and friendship which she owes to you, my dear sister.[21]

One of her first acts was to secure the bishopric of Man for Rutter, the deanery of Chester for Bridgeman, and the

[20] The queen of Bohemia, who died in England in February 1662-3, aged 66 years. Her youngest daughter, the princess Sophia, was mother of George I., who, under the act of settlement, ascended the British throne in the year 1714.

[21] *Archæologia*, vol. xxxix. p. 171. On the 6th of December 1660 an order was issued for a warrant bestowing a pension to the widowed countess of a £1000, which is alluded to in this letter. (State Pap. Dom. Charles II., xxiii. 39.) Her personal wrongs and sufferings, after her husband's death up to the Restoration, are strongly described by Seacome. "She that brought," he says, "fifty thousand pounds portion to this nation, has not now a morsel of bread for herself and desolate children, but what is the charity of her impoverished and ruined friends."

important rectory of Bury, in her own gift, for Grenehalgh. Baguley was probably a layman, as his name does not occur in any of the papers as a clergyman, nor has it been found in the Registers of the bishop of Chester.

The following letter shows that she was also a benefactor to Manchester, having consented to the alienation of the collegiate house of the chapter (which had been a century in the Derby family)[22] to the trustees of Humphrey Chet-

[22] If on the dissolution of the college, in the time of Edward VI., some of the lands and the collegiate house itself passed by purchase or grant to Edward earl of Derby, it seems to have been unknown to the late Dr. Hibbert-Ware, the industrious historian of the church, that to Henry earl of Derby, his son, probably more than to any other individual, we are indebted for its second charter and present existence. The following hitherto unpublished letter shows the prompt measures recommended, and the judicious advice given to the most influential laymen in the neighbourhood of Manchester by one of the most powerful noblemen about the court, which resulted in the lease being granted and the college refounded by queen Elizabeth:

"After my very hartie comemdac'ons, where[9] a very good moc'one hathe bene mayde for a contribuc'on of y^e^ lease latelye graunted of the Colledge of Manchester by the late Warden [to the Queen]. And ffor establysshing of the same Colledge w^ch^, by y^r^ good meanes shalbe gretely furthered, I haue thoughte good to desire youe in eu^r^y of yo^r^ sev'all devysions, to tayke paynes to vnderstande the benevolence and good will of the gent^n^ and others, the inhabitants there, to this soo godlie purpose, And therof to certefie me w^th^ suche speede as you maye, ffor that, as I am geven to vnderstande, the matter requireth haste. And soo nothinge douttinge of yo^r^ forwardnes herein, w^th^ desire of yo^r^ healthes, I reste ffrom Lathom, my house, this xxj^st^ of October 1578,

"Yo^r^ very lovinge frende,

"H. Derby.

"To my very lovinge ffrends, S^r^ Edmunde Trafforde, S^r^ Johne Rat-

ham esq., in order that it might become an hospital for the education and maintenance of poor boys, and for the foundation of a public library; but whether her ladyship ever received any compensation seems to be doubtful:

London, the 18th Sept. 1660.

GENTLEMEN, — I have by the last poste receaved a letter from you occationed by some discourse which my servant Henry Ashton had with you concerning the Colledge at Manchester. I believe many of you know it to be part of my jointure, and most of you cannot be ignorant how it was taken from me without giving me the least satisfaction for the same; therefore I hope you will not take it amisse if I doe at present desire some consideration for it; Indeed, my losses and sufferings have been such that I had neede to make what I can of that small remnant of estate which it hath pleased God to leave me, and to that purpose had given instructions to Henry Ashton to looke into that businesse; but as soone as I understood you to be the feoffies in trust, I order'd him to stay all proceedings at law, because I know you to be persons of honor and conscience: and to the end there may be no molestation nor misunderstanding betwixt us at soe great a distance, I have desired Mr. Holt of Castleton, Mr. Richard Penington, and Mr. Moseley of the Anckotes to treate with you about the businesse of the Colledge, and what they or two of them and you conclude together I shall approve of, and endeavor in what else may lye in my power to shew myself,

Gentlemen, Your affec^te^ freind to serve you,

T DERBY.[23]

clyffe, K^t^, Ric. Holland, Edmunde Assheton, Robt. Workesly, Robart Barton, Ralph Assheton, ffrancis Houlte, Edmund Hoppwood, esquiers, and to the reste of the Justices of Peace within the Hundred of Salforde." *(Lanc. MSS., penes me.)*

[23] It may be noted here that Charlotte countess of Derby, as a married woman sometimes signed her maiden name De la Tremoille, pro-

ffor George Chetham and Richard Holland Esq[rs] and the ffeoffees of y[e] Colledge Howse in Manchester theise.[24]

In the year 1660 (9th June) the countess petitioned the lords to have her husband's murderers "brought to condign punishment,"[25] and the brother of the president, colonel

bably to indicate her royal descent, her mother being the third of the six daughters of William prince of Orange, who were the coheiresses of their mother, a Bourbon. (Motley's *Rise of the Dutch Republic*, vol. iii. p. 473.) A peculiarity in the initial letter of her Christian name generally found in her autograph, is too marked to escape observation. There are two C's interlaced, back to back, or turned opposite ways, in her bold and characteristic hand-writing. This appears to be simply a cipher, adopted by a royalist in honour of the king, and does not signify *C*harlotte *C*ountess of Derby, as the device occurs when she signs her name "𝔏 de la Tremoille." In one autograph, after the Restoration, the peculiarity is not observable. On this subject see *Notes and Queries*, 3rd series, vol. x. pp. 147, 171, 194.

[24] MS. volume of Letters, Chetham Library. See also Whatton's *Hist. Chetham Hospital*, p. 178, 4to.

[25] To the right hon[ble] the Lords assembled in Parliament.

The humble Petic'on of Charlotte Countess Dowager of Derby, Sheweth:

Whereas James Earle of Derby yo[r] Pet[rs] late husband was in the yeare 1651 for his loyalty to our dread Soveraigne Lord King Charles by color of some p'tended authority derived from the late Tyrant and Usurper Oliver Cromwell barbarously and contrary to all Law imprisoned sentenced and put to death by Colonell Humfry Mackworth pretended President of an illegall Court set up for that purpose and other desperate p'sons whose names are under written, though some of their owne party convinced of their unjust proceeding opposed the same And thereupon all his Estate was seized upon sold and disposed of and your pet[r] and her family exposed to all extremityes of want and misery to their unspeakable griefe and p'judice

And forasmuch as the said sentense against your Pet[rs] husband was

Henry Bradshaw of Marple, who had sat at the court-martial at Chester, was one of the number; but he and the other surviving officers seem to have been treated with remarkable leniency.[26]

Although much obloquy has been cast upon her ladyship's memory, in consequence of her supposed severity towards captain Christian, it is unmerited, as she does not appear to

a great violac'on to the Peerage of this Realme and an indemnity to such p'sons (who acted in so horrid a murther) may bee an encouragement to others to shed more innocent blood upon the like occasion And in regard your Pet^{r} hath now no legall remedy by her appeale to prosecute the offenders for the death of her husband

Your Pet^{r} doth humbly pray that such of the said persons as are liveing may bee proceeded against in a Courte of Justice and brought to condigne punishment And that their p'sons and estates and also the estates of such of them as are dead may bee excepted in the acts of indemnity and for confirmacon of sales w^{ch} are now to pass And that your Petitioner and her family may have such reparac'ons for their great sufferings thereby occasioned as to your Lo'ps shall seeme meete.

And yo^{r} Pet^{r} shall ever pray &c.

T Derby.

Maj^{r} Gen'all Mitton	Capt^{n} James Stopford
Col: Hen: Bradshaw	Capt^{n} Samuel Smith
Col: Tho^{s} Croxton	Capt^{n} John Griffith
Col: Rob: Duckenfield	Capt^{n} John Downes
L^{t} Col: Hen: Berkenshaw	Capt^{n} Edward Alcock
L^{t} Col: Simon Finch	Capt^{n} Ralph Pownall
L^{t} Col: Newton	Capt^{n} Richard Grantham
Capt^{n} Vincent Corbet	and
Capt^{n} Tho: Portington	Capt^{n} Edward Stelfox
Col: Geo: Twissleton	Capt^{n} Jo: Delves

(From the original MS. in the Library of the House of Lords.)

[26] Ormerod's *History of Cheshire*, vol. ii; *The Reliquary*, vol. ii. pp. 224–6.

have been in any way actively involved in his trial and execution. On his return in 1662 to the island from the Fleet, where he had been imprisoned by his own friends, on an action for debt, Charles earl of Derby, "to avenge a father's blood," ordered him to be proceeded against, and the warrant was signed at Lathom house in September 1662 by the earl, and not by the dowager countess. The responsibility, such as it is, must not be attributed to her "vindictive and haughty temper," but must be divided between earl Charles and the supreme court of the Isle of Man. Christian was arraigned, tried and convicted on a charge of high treason, having in 1651, with a strong hand, violently headed a formidable insurrection "against the countess of Derby, and of assuming the power to himself, and of depriving her ladyship, his lordship, and his heirs, thereof;" and, never denying the betrayal of his trust, he was sentenced to be shot on the 2nd of January 1662-3, and his property, if he had any, was declared to be confiscated. It was scarcely likely that the countess should oppose her son, throw impediments in his way, and interest herself to save the life of one who had, in the opinion of the jurists of the day, committed treason by betraying the island to the Parliament, and destroying the established government, and who had deposed and imprisoned herself and also her children. She left the culprit, if she had any passive concern in the matter, to the law, and to be dealt with according to the feudal custom of the island. As regards the procedure and evidence at the trial, captain Christian did not plead in bar king Charles's Act of Indem-

nity, and he was not comprised within the terms of Charles lord Derby's local Act of Indemnity.[27]

The independent jurisdiction of the island in this case was subsequently questioned, and upon an appeal to his majesty in council (the king being present) the sentence of confiscation was reversed, it being ruled that the general act of pardon and amnesty extended to the Isle of Man, and ought to have been noticed by the judges, even had it not been pleaded, as it might have been, by William Christian. This was a case which appeared to trench upon the king's prerogative, and therefore would be liable to a somewhat partial decision by king Charles, his judges and ministry. However that might be, the dowager countess must be exempted from all blame in the unhappy affair. Her son was present at Whitehall on the 15th July 1663, when the king heard the cause, but his mother did not appear before that tribunal. At last, to adopt the expressive words of Seacome, "her great heart burst in pieces," and she died at Knowsley house on the 22nd of March 1663-4,[28] at the age

[27] See Historical notices of Edward and William Christian, two characters in *Peveril of the Peak*, small 8vo, pp. 43, no date. This tract has been reprinted in the last edition of *Peveril* in an Appendix to the Introduction; and also in Forsyth's *Antiquary's Portfolio*, vol. ii. pp. 118–151, 1825. The author is said to have been colonel Mark Wilks, a Manxman, and governor of St. Helena. Sir Walter Scott took all the statements upon trust, and has entirely mistaken some of the principal characters.

[28] The entry of her burial in the Ormskirk Register Book is as follows, the scribe who made the entry having ornamented it with a rude representation of a coronet:

of 57, having survived her husband more than twelve years. She had made her last will on the 2nd of May 1654,[29] and desired "to bee buried neare her deare lord and husband in the parish church att Ormskirke in Lancashire, if it may be, without any unnecessary expence."[30]

Nine years passed away before the testamentary request of the widowed countess came to be fulfilled, and, although the scene had changed, there was no quadruple coffin placed on a triumphal car amidst sables and tapers with a glittering coronet and much heraldic emblazonry, and accompanied by all the solemn pomp and pageantry which had distinguished the obsequies of so many of the Stanley line at Ormskirk church; but there was a simple and an unostentatious ceremonial according to the unrivalled service of the restored church; and doubtless, amidst the profound sorrow of her children, her household and many friends, her body was laid by her husband's side.

Lady Derby will always be regarded as "a woman of the

"April 6, 1664.
Sharlatt, Countess Dowager of Derby, Departed this
Life at Knowsley, the xxii day of March 1663.
Entombed in her owne Chancell the sixth Aprill.
Post Funera Virtus."

[29] See Will, Appendix.

[30] The following memorandum in the Ormskirk Register Book furnishes the reason why no entry of the burial of earl James was made. "Here endeth the Register, 1644. And by reason of the unnat'all Warres heare in England there hath beene noe Regesters Ingrossed till the yeare 1653, as may appeare in the new Booke; Authorized by Act of Parliament. Vivat Rex. Testis Will. Grice, Regr, 1658."

most exemplary virtue and piety of her time,"[31] whose domestic virtues surpassed the greatness of her lineage and the splendour of the thrones with which she was connected, and whose high personal character and heroic virtues have done far more to preserve her name from oblivion than its association with the honours of royalty. She appears as the same individual, whether as a young wife at court or as a widow in exile, in the tranquillity of Knowsley or surrounded by the appalling dangers of Lathom, and her bearing was that of a descendant of virtuous kings as well as of a Christian gentlewoman. When stern necessity demanded it, she was a heroine; when domestic duties fell to her lot, she discharged them with feminine tenderness. When dragged from her great eminence she did not repine, but endured obscurity with resignation. The honour of her husband, whom she had married from affection, and the prosperity of her children, whom she tenderly loved, were always before her eyes; and her loyalty to her sovereign knew no change and suffered no interruption.

The earl and countess had issue five sons and four daughters, viz:

1. CHARLES, born on the 19th of January 1627-8, who married in 1650 Dorothea Helena, daughter of William baron de Rupa, by whom he had issue fifteen children, and, dying at Knowsley, he was buried at Ormskirk on the 21st of December 1672, aged 45, leaving heritable issue. The sentence of attainder being reversed, he was restored to all his father's honours and to much of his estate at the Restoration. He succeeded,

[31] Clarendon.

without any interruption, to his titles, bore a sword before Charles the Second at his coronation, and received the lieutenancy of Lancashire and Cheshire.

The earl wrote in 1668, and published anonymously in the following year in London, without a printer's name, two controversial tracts (4to, pp. 58), the title of the first being, *The Protestant Religion is a sure Foundation and Principle of a true Christian, and a good Subject, a great Friend to human Society, and a grand promoter of all Virtues, both Christian and Moral.* In the second edition, London 1671, the author's name is added, "By Charles Earl of Derby, Lord of Man and the Isles." There is a dedication "to all Supreme Powers, Emperors, Kings, Sovereign Princes, Republics, &c."; an epistle "to the Reader;" and then follows the work itself, which is a Dialogue between Orthodox (a royalist) and Cacodæmon (one popishly affected). The title of the second tract is *Truth Triumphant, in a dialogue between a Papist and a Quaker, wherein (I suppose) is made manifest that quaking is the offspring of Popery, at the least the Papist and the Quaker are (Fratres uterini) both of one Venter.* 4to, pp. 13, 1669. Horace Walpole says the earl is "warm against the Church of Rome, their Casuists and the Jesuits, and seems well read in the fathers and in polemic divinity, from both which his style has adopted much acrimony." Walpole describes the earl as a "compound of Protestant heroism, that evaporated in controversy."[32] The noble author's private copy of the work, with his armorial bearings upon the cover, is in the library at Knowsley.

He had the honour of conveying his father's unsullied "George" to the king, but received no favours or acknowledgments in return, notwithstanding all that his family had suffered and lost to secure his majesty the crown.

2. CHARLOTTE, born on the 10th of March 1628, died on the

[32] Walpole's *Royal and Noble Authors*, vol. ii. p. 4.

4th of April 1629, and was buried in St. Nicholas's chapel in Westminster abbey.

3. HENRIETTA MARIA, born on the 17th of November 1630 (contracted in her minority to Richard viscount Molyneux), married on the 27th of September 1654 William Wentworth, second earl of Strafford K.G., by whom she had no issue. It is said that "his mediocrity of intellect and neutrality of character would probably have conducted him safe through the storm which overwhelmed his father." Lady Strafford was the favourite daughter of her father. She died on the 27th of December 1685, aged 55, and her husband survived until 1695.

There are portraits of several members of the Derby family in the collection of earl Fitzwilliam at Wentworth house, into whose possession they passed from his ancestor, the second marquess of Rockingham K.G., the descendant of lady Ann Wentworth, sister of the second earl of Strafford.

4. KATHARINE, born on the 4th of December 1631. She married about 1653 the right hon. Henry Pierrepont, second earl of Kingston-upon-Hull and first marquess of Dorchester, a faithful adherent of Charles the First, and a man of letters, having obtained a niche amongst Walpole's *Royal and Noble Authors*.[33] Her husband, but not herself, is named in her mother's will in 1654. She appears to have held her father's memory in just veneration, and transcribed many of his devotional writings, apparently for her own private use. Her MS. volume is still preserved at Knowsley. Her only child, Henry, died an infant. She died on the 9th of January 1679, aged 48, and was buried at Hurst Pierrepont, where her husband died on the 1st of December 1689. The little girl placed between lord and lady Derby in Vandyke's great picture is easily identified as lady Katharine Stanley, by a portrait of her at Wentworth house as marchioness of Dorchester.

[33] Vol. ii. p. 41.

5. AMELIA ANNA SOPHIA, born on the 17th of July 1633, and on the 5th of May 1659 "was made the happiest creature alive," according to her own statement, by her marriage with John, second earl and first marquess of Athole K.T. By him she became the mother of John, first duke of Athole; of lord Charles Murray, created earl of Dunmore; and of lord William Murray, who succeeded to the barony of Nairne. The marquess of Athole died in 1703, and the marchioness was living in 1691, but the date of her death has not been ascertained.

Lady Athole's religious views and devotional spirit appear to have been very similar to her father's. The present duke of Athole possesses a MS. duodecimo volume, bound in black leather with black-edged leaves — containing a diary of his grace's ancestor, Amelia lady Athole, with sundry occasional prayers, a short catechism, and a variety of religious observations and moral reflections, in her handwriting, and apparently her own composition. In this book are several of her father's devotional writings.

There is at Blair Athole a large gallery portrait of Charlotte countess dowager of Derby, in her widow's dress, with a black mantle over her head, her hand resting upon an urn in a garden, with cypresses in the distance. The artist is supposed to be Honthorst. The large portrait of the dowager countess, in the collection at Knowsley, as a widow (of which an engraving is annexed), also represents her in a garden with a terrace and four cypress trees in the distance near an urn, but the landscape is now much faded. On the urn may still be read the artist's inscription in red letters—*"Charlote, daughter of Henrie (Claud?) Duke of Tremoille, Duke and Peer of France, Wife of James, Earle of Derby,* 1658." The features are regular, if not handsome, the expression more decided than sorrowful, and the complexion pale. There is a great similarity between these two portraits, and both appear

to have been painted about the same time. The penetrating hazel eyes, high forehead, small mouth not lacking determination, and the glowing expression of her fine features, as a young girl, in her portrait, by the animated brush of Rubens (in the earl of Essex's gallery), are somewhat visible in her portraits painted at a later period of life by his pupil, the sober and melancholy Vandyke. Even as a girl her individuality appears to be strongly marked; but her cap and plume and the magnificent hollyhocks of Rubens were, alas! soon exchanged for the helmet and plume of Bellona and for lilies of the valley.

6. HENRY FREDERICK, born on the 24th of February 1634, and, dying on the 24th of April 1635, was buried at Ormskirk.
7. JAMES, born on the 2nd of November 1636, and, dying on the 27th of March 1638, was buried at Ormskirk.
8. EDWARD, born on the 7th of January 1638-9, and, dying at Portsmouth unmarried, was buried at Ormskirk on the 7th of March 1664-5, aged 26 years.
9. WILLIAM, born on the 28th of November 1640, and, dying unmarried, was buried at Ormskirk on the 23rd of December 1670, aged 30 years.[34]

In reviewing the character and proceedings of the earl of Derby, it is impossible not to regard him throughout his short life — it terminated at 46 — as an honourable, brave and high-minded man, sincere in his loyalty, devoted in his patriotism and unsullied in his actions.

As a subject he maintained the constitution which he found existing, and had no sympathy with republicanism or with any attempts to lower the royal prerogative or to sully

[34] The dates and some of the facts here given are from the MS. Notes of Edward, thirteenth earl of Derby K.G., at Knowsley.

the crown. In his day monarchy was the great principle which swayed the state and governed the country. The monarchy of Alfred the Great and of William the Norman had possession, although the great Plantagenets and Tudors had passed away, and their successors, the Stuarts, in a most critical epoch, were unable to preserve it. They did not know how to meet the demands of the people, or to adapt the ancient constitution to the transition state of the country. Lord Derby, unlike some of the advisers of the first Charles, did not undervalue public opinion, as he was in favour of popular rule, and endeavoured to carry the people along with him; but he also vigorously defended the monarchical principle, the church and the peerage. He failed in the attempt to carry out his views. Maintaining what they considered to be the rights of the people, the insurgents and aggressors resorted to physical force, and, acting on the defensive, the king resisted. It would be an act of injustice to condemn loyal men, like lord Derby, who always advocated, not a despotism nor an oligarchy, but an useful monarchy that would look well after the religious, moral and physical improvement of the people, and gradually enlarge popular liberties and privileges, as lord Derby himself had done in the Isle of Man, as the people became capable of exercising them. The earl was a true patriot, although misunderstood by many of his contemporaries, and had far higher notions of the duties and obligations of the sovereign than entered into their crude theories. It is not, however, very clear how lord Derby reconciled the king's conduct

with that of Solon, who, when asked, according to the earl, if he had given his people the best laws, answered wisely — he had given them such as they would receive.[35] Eliot and Hampden would have demurred to such a statement. The earl was not distinguished in the senate as an eloquent speaker, and it is even recorded that "he was no good orator,"[36] from which we may infer that he had not a fluent or ready utterance; and yet it may be truly said of his addresses, as of Cicero's, that the longest were the best.

The disinterestedness of lord Derby is a striking feature in his character. He never acted with any merely ambitious, personal, or party objects in view. A sense of duty and a desire of justice are visible in all his proceedings; and his opinions and decisions, whether as a country gentleman or as a statesman, were valued by his intimate friends, as they were known to be founded on clear and well-defined principles, and were always impartial and independent.

His private character was unassailable, and his ordinary habits and pursuits are now brought forward, for the first time, with prominency. The transcript of his life is found here, and it is in domestic life that we form a true estimate of him. He was neither intemperate nor overbearing, but strictly and seriously religious. The exact order of his house; the wise management of his private affairs, as a young man; the regulation of his large establishment of servants; his shrewd worldly wisdom, without its meanness; his knowledge of human nature; his affection for

[35] *Oxford MS.*, vol. xxxiv. p. 3. [36] Somers' *Tracts*, vol. ii. p. 502.

his wife and children, are all worthy of admiration, and show that he worked out the great problem of life by a strict discharge of Christian duties and obligations in the midst of his family. He "feared God and honoured the king."

His public character was formed upon the same great Christian principles which guided his private life; and it is difficult to account for the remark of Clarendon, that "all his defects and misfortunes proceeded from his having lived so little time among his equals, that he knew not how to treat his inferiors, which was the source of all the ill that befel him, having thereby drawn such prejudice against him from persons of inferior quality, who yet thought themselves too good to be contemned, that they pursued him to death."[37]

It is true that lord Derby was too short a time amongst his equals at court to become a courtier; but to learn how to treat inferiors with respect is a species of knowledge which may be acquired without a residence at court. That persons of inferior quality, such as the sturdy demagogue and the repulsive brawler, thought themselves too good to be contemned, may readily be granted. He tells us that many of these irreclaimable people he once estimated at "too high a rate," and "trusted them too much," and from having always been his natural and irreconcilable enemies they became, when he dropped them, as might have been expected, his fiercest assailants; but he did them no injustice,

[37] *History of the Rebellion*, vol. iii. p. 411.

although he opposed some of their public proceedings with a strong hand. The sort of men referred to by Clarendon have been graphically described by lord Derby himself, and he knew well how "to treat them;"[38] but it is incorrect to assert that all the ill which befel his lordship proceeded from these individuals. May he not have shown, in the height of his prosperity, a little too much *hauteur* to Mr. Edward Hyde?

It has been discovered by a recent flippant and acrimonious writer that lord Derby was "a man of haughty temper, little talent, and half-decided views," and that he was "personally disliked and distrusted."[39] Assertions like these are easily made, but they are made without proof, and in direct opposition to all the statements of all contemporary writers, of whatever party. A republican officer, who knew him personally, and perhaps no authority could be found more likely to be partial and prejudiced on such a subject, says: "To speak a word of that honourable house of Lathom. It was of much and great esteem in all the county — I mean the earls thereof were honoured and had in respect, generally, with all. The king could not be more. Loyal and true to their sovereigns were they, this being their glory, and a principle much stood upon by him (the martyr earl). This carried him to that forwardness in his cause against the kingdom's right, that lost both himself and also is the detriment and damage of his family, besides what his country,

[38] *Hist. Isle of Man*, chapp. viii.–xi.

[39] Sandford and Townsend's *Great Govern. Families*, vol. ii. 8vo, 1865.

that loved him so well, hath suffered thereby. He was a worthy gentleman, *courteous and friendly*, for anything that could be seen to the contrary."[40]

The principal charge brought against the earl by this writer is a repetition of the old complaint of the Roundhead party, in their usual spirit and language—that he associated with obstinate Roman Catholics and treacherous enemies, who were "deceitful in their hearts towards him, and not loving him for the truth's sake he professed."[41]

His natural suavity of manner and "good easy nature," "easily forgiving offences," and "wishing peace,"[42] won the regard of the most unpolished of the Manxmen; and he has himself described, with a master's hand, what ought to be the fine bearing of a well-bred Englishman of cultivated intellect, towards his superiors, equals and inferiors.[43] It would be difficult to imagine a more courteous or perfect style of gentleman. Let it not be forgotten that his was the courtesy of an English churchman, more solicitous to avoid offending the sensibility of the poor than of the rich. He has recorded, in one of his Common-place Books, an observation of Plutarch, concerning Coriolanus, that the chief benefit of learning is, that "it teaches those who by nature are rough and rude, by compass and rule of reason to be civil and courteous, and to like much better the mean estate than the higher."[44] It may not, however, be doubted

[40] *Lanc. Civil Warr*, pp. 77, 78. [41] *Ibid.*, p. 78.
[42] *Hist. Isle of Man*, pp. 19, 20. [43] Seacome, p. 363.
[44] *Oxford MS.*, vol. xxxiv. p. 71.

that the earl, although not naturally imperious, would proportion his courtesy to the loyalty and sound conduct of the parties with which he came in contact, whether of low or high estate.

The personal popularity of his lordship in the county at the beginning of the war, it has been seen, was unlimited, as there was nothing arbitrary or harsh in his tone or temper, and he was everywhere regarded as the head of Lancashire chivalry.[45] We know, on the unexceptionable authority of colonel Lilburne, that, towards the end of the war, the earl possessed an influence which was perilous to the rule and policy of Cromwell, and such was the public regard in which he was held, that "he was wholly master of Lancashire and Cheshire,"[46] which is no proof of his being of a "haughty temper" and "personally disliked and distrusted." No man ever secured such general attachment as this who was distinguished by insolence and arrogance. History and experience alike prove that there is always something noble, generous and self-denying in the individuals who, in seasons of great danger and trial, attach others to them. If there was one feature which was more prominent than another in his character, it was his firm and disinterested consistency. He never deviated or wavered in the assertion and maintenance of his principles in defence of public order and the safety of the state throughout the war. When the last deplorable crisis arrived, and he might have righted himself if

[45] See Appendix; extract from *MS. Hist. Isle of Man.*

[46] Cary's *Memor. Civil War*, vol. ii. p. 324.

he would have abandoned the English church, an integral part of the old constitution, he spurned the seductive overtures of the Presbyterian camp before Warrington, and determined that his fidelity should remain inviolate. He had all along made, and to the end continued to make, every aim subservient to that determination; and yet he is charged with being a man of "half-decided views"![47]

[47] Those marvellous pictorial illustrations which are known as vintners and ale-drapers, or, as they are more commonly called, "public-house signboards," with their heraldic and symbolical devices, undoubtedly indicate the popularity of the individuals or families who are thus honoured or commemorated. It appears from an admirable lecture delivered by Mr. William Dobson to the Working Men's club of Preston, on the 19th of February 1866, that the most popular family in Lancashire, from the time of earl James to the present hour, continues to be the Derby family; and that all naval, military, political and local celebrities are eclipsed by the Stanleys, who monopolize the chief public honours, and their name and their arms are everywhere in the county palatine as familiar as household words. Mr. Dobson, whose authority is the *Lancashire Directory*, observes: "I come now to those [signs] which tell of the influence of our present race of territorial lords. The extent of the possessions, and to some extent the personal popularity, of the leading noble family of Lancashire, is shown in the number of inns that bear their arms. Sixteen public-houses are styled the Derby Arms, and six the Stanley Arms; twenty-eight are called the Eagle and Child [which is their crest], and two the old Eagle and Child; seven bear the old quartering of the family, as lords of the Isle of Man, and emblazon 'the three legs of Man;' and one is called the Knowsley Hotel." (p. 5.) "Oliver Cromwell does not appear to have been a particularly popular character, for although there are thirty-eight signs bearing 'the Royal Oak,' indicative of the Restoration of Charles II., there is only one Oliver Cromwell in the *Directory;* and if the sturdy old protector knew the character of the neighbourhood, he would doubtless consider it no compliment. It *was*

There is no doubt that lord Derby in the beginning of the civil struggle was opposed to the war. It was at the very commencement of the king's misunderstanding with his Parliament that his lordship wrote: "In these dog days of ours, wherein love is waxed cold and strife hot, we had need to set our instruments to the tune of peace;"[48] and various passages in his writings show how much he deplored war and how earnestly he desired peace. He had not been trained to arms, and yet he carefully studied the art of war and made himself acquainted with its theory. His soldiers appear to have been well-trained, and to have benefited by the presence and advice of good officers. The histories of the time speak of the readiness of the earl's soldiers to follow him, and of their devoted loyalty to their favourite chief. No misunderstandings are recorded. They all alike, officers and men, suffered the ordinary hardships of warfare, partly owing to bad roads, want of barracks, billeting on farmers and often on their own relations, and to the lack of such comforts as gentlemen and frugal countrymen had been accustomed to possess; whilst the subsidies, confiscations and war taxes which lord Derby had to sustain rendered him unable to compensate his soldiers as he would have wished, but their privations were disregarded by his troops when they followed him in pursuit of the enemy; and the earl was re-

in Shepherd-street, Preston; but Oliver has just been put down, and the sign is now 'the Soldier's Return.'" (p. 8.) Mr. Dobson well observes, that local history is learned by the representation on an inn. (p. 11.)

[48] *MS. Observations*, p. 4.

garded, in all his campaigns, as a popular leader possessed of dauntless energy. He fought, as he believed, in a just and righteous cause, and trusted in the God of battles more than in armies. Singled out early by the king himself as a man of business and activity, who could acquit himself well in high command, he failed to secure the confidence of some of the factious leaders of the king's council, and was constrained to relinquish the command of the troops which he had himself raised. Notwithstanding this indignity, some of his military achievements in Lancashire gained him the respect even of his enemies, and were amply sufficient to show that with longer experience he would have become eminent amongst the great captains of his time. His attacks, especially at Bolton and Wigan, were characterized by a daring in conception and a skill in execution which might have been expected to insure their success; and if the first was a great triumph, the last was hardly a signal failure. He was throughout all his engagements immeasurably outnumbered by the republican forces, and yet he often crushed them and drove them back, and when at last he surrendered his sword there was no man in the royalist army to take his place, nor was a soldier found to compete for his well-earned laurels.

The earl was an indefatigable student, a copious writer, and a close reasoner, and his style is vigorous, terse and pointed, but he prepared nothing for the press. His present noble representative probably possesses but a small part of his writings, some of which appear to have been inadvertently destroyed by his wife, and others to have been dispersed on

the death of one of his descendants.[49] His taste in literature was formed by his early classical studies, and continued to be cultivated, without degenerating into pedantry, to the close of life. Enough of the productions of his pen remain to prove that his scholarship was respectable, whilst there is in all his writings much less of affectation and a latinized form of expression than generally prevailed amongst his contemporaries. He seems to have been incessantly occupied in the Isle of Man with the reading and abridging of Grecian and Roman history, and all the great points and principal events of both through many centuries have been noticed by him. He often quotes Plato, Seneca, Irenæus, Basil, Ambrose, St. Augustine, Jerome's *Commentary on Job*, as well as Bellarmine and the theologians of his period, — some of whose works he had consulted in their original languages.

He has left his religious creed on record, and appears to have been a sound theologian as well as an acute philosopher, and maintained, against lord Herbert of Cherbury and Hobbes, that Christianity and the religion of nature were not irreconcilable, and he regarded all the spoils of learning and all the acquisitions of science as merely subservient to theology. God's Word alone, as interpreted by the early

[49] It was on the death of William the ninth earl of Derby, in the year 1702, without issue male, that the whole of his personal estate passed to his two daughters. It was not in 1735–6 (as stated p. ccxli, note 79) that many of the family papers were scattered, but in 1703, when the library of earl William was publicly sold by his daughter, lady Ashburnham, and her uncle, the tenth earl, purchased books at the sale which are now in the library at Knowsley.

church, satisfied the cravings of a mind like his. It illuminated his intellectual powers, subdued his heart, governed him in life, sustained him in the most trying circumstances, and brought him peace and consolation at last.

His adherence to the English church was consistent throughout his life, and his vindication of her orders, liturgical services, government and discipline was publicly known, and his sincerity was never questioned. Bishop Bridgeman was the only prelate who presided over the see of Chester in the earl's time, and there is nothing to show amongst the multifarious records of the Consistory, which have been examined, that their views on any ecclesiastical subjects were antagonistic. Bridgeman long filled a difficult office, in a turbulent period, and yet after all the many scrutinies into the conduct of bishops and the severities with which they were visited, the mild and consistent virtues of the bishop of Chester remained unimpeached, and his two sons continued to be devoted friends of the earl to the last moment of his life.

Lord Derby knew that Lancashire was conspicuous for its adherence to Puritanism in opposition to Romanism; and we learn from his writings that he saw, as Hooker says Calvin saw in Geneva, "how needful bridles were to be put into the jaws" of people of that class, and "how dangerous it was that the whole estate of the Church should hang upon so slender a thread as the liking of an ignorant multitude, in having power to change whatsoever it listeth;" and yet the charity and forbearance of lord Derby are nowhere called in

question by those who differed from him in his creed, whether puritan or papist, and he afforded the best proof of his consistency by his catholicity and toleration.

His devotional writings, now printed, contain definite religious opinions based upon the creeds of his church; but there is perhaps less of system and technicality than might have been looked for, whilst there is an ease and freedom of expression which indicates the practised writer. He held what would now be called *via media* views in doctrine and discipline, and vindicated the English church as an Apostolic and vital branch of the church catholic. He probably did not differ widely from the views of Laud and Cosin, of Mainwaring and Montague, or of the Arminian divines generally; and although he strongly held the doctrine of personal assurance, one of the celebrated five points, it was at that time a doctrine equally maintained by the Calvinists and the Arminians.

In these devotional compositions the earl dwells not upon his vices and crimes, but upon his natural failings and frailties, his errors and indiscretions. He has left us a lively picture of himself, as he was known and loved by his friends and hated by his foes. We discover in the record that he had learnt "the threats of pain and ruin to despise," and to pray for all sorts and conditions of men, however much they disparaged his efforts to defend and uphold the institutions of his country. Here he reveals to us his inmost feelings, his deepest solicitudes and his tenderest cares; and we easily discover his love of purity, his innate sense of rectitude, his admi-

ration of truth between man and man, and, above all, his lofty ideal of the Christian character. He never praises himself nor claims the praise of others. Vanity or egotism formed no part of his character. He was too sensible of his defects to dwell upon his merits. His prayers are full of Scripture phraseology, and they do not deviate from the recognized standards of the English church, nor is there any expression in them incompatible with devout thought. "I know of no good prayers," said one of the greatest men of the last century, "but those in the Book of Common Prayer." This is, surely, too fastidious a criticism. The unrivalled excellence of the petitions and services in our Liturgy who can question? but of *good prayers*, adapted for various occasions, necessities and classes, the eminent divines and laymen of the English church have provided a rich abundance, supplementary to the admirable ones referred to, and which will satisfy the wants of every judicious Christian. Amongst these may now be classed the prayers contained in the devotional writings of the seventh earl of Derby. It is not improbable that his lordship, in writing these religious exercises, sought not only his own spiritual improvement, but also wished his children to know something of his inner life and real character when he should be no more.

If proof were wanting that the earl was a favourite with the people and possessed the sympathy of the multitude, who thoroughly understood and despised the calumnies invented and the base acts perpetrated by his political enemies to damage his character, as "a man of blood," we might refer

to the manner in which he was received at Bolton on the fatal 15th of October. His vindictive opponents sent him there, as one of their partisans said, to die "by the hand of public justice, and by the righteous providence of God, and thus to be made an example of Divine vengeance in the midst of his county;"[50] but they were destined to disappointment in their expectations. All classes of the population felt that an honest man stood before them, and they proved by their conduct that society had not declared war against him. The earl's easy and unaffected pleasantries on the scaffold, like sir Thomas More's, as well as his strong religious expressions and intrepid firmness, won the admiration of the spectators, who discovered that his lordship, after having faithfully and nobly served his sovereign and country, made no effort to appear otherwise in death than he had done in life.

A modern writer speaks with unbecoming levity of the "romance which has attached itself to the earl's death;"[51] but it has been correctly observed, that this was not the romance of fiction or of exaggeration, but the romance of history, which only differs from other romances by requiring no invention.[52]

"Among the sufferers for king Charles the First," says Horace Walpole, in this instance and lord Strafford's, atoning for many a cold and heartless remark, "none cast greater lustre on the cause than the heroic earl of Derby, who seems to have been actuated by a true spirit of honour

[50] Somers' *Tracts*, vol. ii. p. 504 [51] *Governing Families of England.*
[52] Hartley Coleridge's *Biographia Borealis*, p. iv.

and disinterestedness. Some contracted great merit from their behaviour in that quarrel; the conduct and brave death of this lord were but the conclusion of a life of virtue, accomplishments and humanity."[53] Taking our last reverential view of him, whom the lively and spirited editor of Bassompierre, styles "the learned, the brave, and κατ' ἐξοχήν the loyal earl of Derby," we may add that it would not be possible even in the long line of the distinguished descendants of the first ennobled Stanley, to point — with one exception — to a man of higher intellectual cultivation, of purer heart, of loftier benevolence, or of nobler purposes, or to one who has erected for himself a more durable monument in the history of his country.

The following is a catalogue of the MSS. of James earl of Derby, which have been used in compiling his *Memoirs*:[54]

1. A book of Devotions, comprising prayers and miscellaneous reflections, expositions of the Creed, the Lord's Prayer, the Decalogue, Holy Communion, &c.; also a brief

[53] Walpole's *Royal and Noble Authors*, vol. iii.

[54] See *ante*, p. cxxxv.

but imperfect Diary, the leaves of which are wanting during February, March, April, and May. There are also meditations on various subjects, chiefly on the Divine attributes. Some verbal corrections and interlineations by the earl run through the volume, but none of any importance. The book is of 12mo size, handsomely bound in old brown leather, "dark with tarnish'd gold," and contains 90 pages. On the leather covers is the crest of the family; on a chapeau the eagle and child, surmounted by an earl's coronet, with the motto "Sans changer." On the first page is the following note by Edward, thirteenth earl of Derby, K.G.: "In comparing the handwriting of this book with other papers it appears plainly to be that of James, seventh earl of Derby." This MS. volume is enclosed in a case, and is as precious as anything that ever proceeded from the hands of Caxton, Valdavar, or Pynson. It is preserved at Knowsley.

2. Another book of Devotions, beginning at p. 53, the earlier leaves torn out, and ending with p. 182, but imperfect on the last page. In this volume the diary is complete. There is a meditation for the 15th of August 1650, not included in the other book, and also a few interlineations and erasures. The size is 18mo, the binding of black leather, with gilt leaves, and the clasps gone. It is in the same handwriting, and seems to have been carried in the pocket. It is preserved at Knowsley.

3. A small quarto volume of 78 pages, in old calf binding, entitled "A Discourse concerning the Government of the Isle of Man, by the Right Hon. James Earle of Derby, A.D.

M.D.C.XLIV." This is in the neat handwriting of the seventeenth century, but is not that of earl James. It contains the book plate of "the Right Hon^ble^ James Earl of Derby, Lord of Man and y^e^ Isles, 1702." This MS. is printed by Peck from Roger Gale's copy. At Knowsley.

4. A quarto volume of Private Devotions of Jaines seventh earl of Derby, being miscellaneous prayers, transcribed by lady Dorchester, in the seventeenth century. At Knowsley.

5. A large quarto volume of MSS. relating to earl James. This writing is of the seventeenth century, and contains most of the documents printed by Seacome, but the writer is unknown. At Knowsley.

6. A duodecimo volume, containing 300 pages, bound in black leather with black-edged leaves. The first 161 pages are numbered, and contain the diary, prayers, devotional exercises, and sacramental preparation of James earl of Derby, and the handwriting, on a careful examination by an expert, is pronounced to be that of the earl. On the first page is the date and autograph, "August 1, 1650—Derby;" and there is a long "Prayer for any time," 1647, pp. 46–55, by the earl, which is not included in any of the MS. collections of his other devotional works. This book is in the possession of his grace the duke of Athole.

7. A book of MS. Observations, 12mo, pp. 295, in the handwriting of James earl of Derby. On the fly-leaf is inscribed in his own small, scholar-like hand, "J. Derby, Castle Rushen, in the Isle of Man, 1646, Dieu et ma foy: We are not much less beholding to Machiavel and others

that write of what men doe, than to those that write of what men should doe." Latin, French, and Italian writers were his familiar reading. The "Advices to an Ambassador" is a well-written article, and seems to have been his own careful composition, pp. 186–192. This book is in the possession of the Rev. John Webb, M.A., F.S.A., rector of Tretire, Ross, Herefordshire.

8. A Common-Place Book of James lord Strange, afterwards earl of Derby, being a book of Greek and Roman Antiquities. Autograph, and dated September 5th 1645, 4to, pp. 268, closely written, marked vol. XXXIV, bound in calf, having the earl's crest stamped upon the leather, with the names "Iacobo Strange," and "Carlotto Strange." The earl concluded his copious abridgment of Plutarch's *Lives*, in the Isle of Man, on August 14th, 1645, pp. 248; also the *History of Roman Antiquities*, begun on p. 249 and continued to p. 268, concluding, "Finis coronat opus, J. Derby. September 5th, 1646." This book is in the library of Worcester college, Oxford.

9. A Book of Prayers, Anecdotes, Ejaculations, Religious Sentiments, Enquiry into Vulgar Errors, &c., being an autograph MS. by James earl of Derby, dated Isle of Man, June 29th 1649, 4to, pp. 101, marked vol. XXXV; bound in brown calf, and marked on the covers the same as the last-described volume. The entries were made at various times. There are twelve pages of French and English words, chiefly phrases, and also a few unimportant memoranda, in the handwriting of Charlotte lady Strange, probably at an early

period of her married life. This book is also in the library of Worcester college, Oxford.

10. Historical Collections by James earl of Derby, folio, pp. 114, beginning with a letter from the cardinal Arnaud D'Osset to Henry IV. of France, dated Rome, November 26th 1601, and comprising extracts from Leicester's *Commonwealth*, composed by R. Parsons the Jesuit; observations out of Henry duc de Rohan's treatise on the *History of Princes;* remarks from Fra Paolo Sarpi's *History of the Council of Trent;* from Fuller's *History of the Holy War*, &c. On the sixth leaf is written, "1645, Ne turba operas meas, J. Derby;" and on the last leaf, "Finis, Ja. 13, 1645, at Castle Rushen, in the Isle of Man, J. Derby." *Sloane MS.* 874, Brit. Mus.

APPENDIX.

No. I. — (*See pp.* xiii. *sqq.*)

An Abstract of the Marriage Settlement of James Lord Strange and the Lady Charlotte de la Tremoille, and Abstracts of other Family Evidences.

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WHEREAS at the Hague in Holland, by a writing bearing date the 4th of July 1626, according to the computation of the church there, a contract of marriage was concluded and agreed to be had and solempnized betweene the sd Ld Strange and the sd Lady Charlotte his now wife, by the name of the most illustrious Princesse Damsell Charlotte of Tremouille, daughter of the most high and mightie Prince Lord Claude of Tremouille, Duke of Towars, Peere of France, Prince of Talmounte, Earle of Smens, Bevon, Taillebourgh, &c., and of the highe and illustrious Princesse the Lady Charlotte Brabantine de Nassau, Princes of Orange, Dutches Dowager of Tremouile and of Towars, in the presence of the most gratious Kinge and Queene of Bohemia, by the mediacion and by and with the consent of the sd Earle of Darby, and of the sd Lady Elizabeth, late Countesse of Derby, assisted by the advice of Sir Robt Stanley Knt of the honorable order of the Bath and Sir Francis Nedersall Knt, by comission and mandate of the sd Lord and Lady, Earle and late Countesse of Derby, and the sd Damsell of Tremouille, with the good will, leave and consent of the sd Lady the Dutches her mother, and with the approbation of the now Duke of Tremouille her eldest brother, and with the consent of the most high and mighty Prince Lord Fredericke Henry, Prince of Orange, Counte of Nassau, &c., governor and admirall generall

of the united provinces of the Lowe Countries, her uncle, and of the high and illustrious Princesse the Lady Emilie, Countesse of Salmis, Princesse of Orange, wife to his Excellence, and of the Lord Frederick Maurice de la Toure, Duke of Bouillon, Cheife Prince of Zedan and Rancourt, her cozen german, and with the consent and leaves of the Kinges theire soveraigns. And whereas by the s^{d} writing it was amongst other thinges for the consideracion therein mencioned, concluded and agreed by and betweene the s^{d} Duke and Dutches that the s^{d} Lady Charlotte should bringe with her to the s^{d} Lord Strange in marriage a porcion of four and twentie thousand poundes sterling, wherof 12,000^{li} was then and there agreed by the s^{d} Duke to be by him paid to the s^{d} Lord Strange within one yeare and a day after the s^{d} 4th day of July 1626, after the computation aforesaid, for the paymente wherof the s^{d} Duke and Duches, in such formes as is agreable to the lawes there, did oblige and binde themselves, their goods, chattelles and other thinges in the s^{d} writing and contract mentioned; and for the 12,000^{li} residue of the s^{d} four and twentie thousand poundes, the s^{d} Dutches did promise under paine and obligation of all her estate to pay those 12,000^{li} within two yeares next ensuing the date of the s^{d} writinge and contract, which s^{d} four and twentie thousand poundes by the agreem^{t} afores^{d} was to be delivered in Paris, in the Kingdom of France, into the handes of Coñissioners to be appoynted and named by the s^{d} Lord Strange and Lady Charlotte his now wife remaining in England, to be employed by them in the purchase of landes in England, or in default thereof to be by them putt to use or otherwise advanced to and for the benefitt and furtheraunce of the s^{d} Lord Strange and his s^{d} Lady and the heires proceeding of them in such sorte and under such provisions and condicions as in and by the s^{d} recited contract and writing doth and may appear, that is to say, that if the s^{d} Lady Charlotte shall dye before the s^{d} Lord Strange without issue, he the s^{d} Lord Strange shall restore unto the heires of his s^{d} Lady the one moytie of her s^{d} porcion of four and twentie thousand poundes sterling, whether the same be imployed on lands or other-

wise, provided that the s^d^ Lady Charlotte doe not otherwise dispose of it duringe her life. And if it shall happen the s^d^ Lord Strange first to dye leaving yssue or not, that the s^d^ Lady Charlotte should have a dowrie appointed of 1000^li^ sterling per annum with a howse and a parke befitting her qualitie and degree, to be assigned and declared within three monethes then next ensuing; besides which dowrie, house and parke, the s^d^ Lady Charlotte shall resume the s^d^ four and twentie thousand pounds sterling or the land purchased therewith, as alsoe her ringes, jewells and other goodes then remayning, or the value therof, mentioned in the s^d^ recited writing, to enjoy them wholly as her owne. And if the s^d^ Lady Charlotte shall happen to die before the s^d^ Lord Strange, leaving one or more daughters, such daughter or daughters sh^d^ inherite all the goodes of their mother, be it money or land purchased therewith, or ringes, jewelles or other goodes, notwithstanding the s^d^ Lord Strange have afterwardes sonnes by a second marriage, provided that such daughter or daughters doe not marry or match against their father's will, and be obedient unto him, or else to stand to his curtesie and disposing and what may happen to them according to the customes and lawes of England. And if the s^d^ Lady Charlotte shall happen to have no children by the s^d^ Lord Strange to survive him, the s^d^ Comissioners sh^d^ have power to furnish twoe yeares after the decease of the s^d^ L^d^ Strange, his heires with 5000^li^ sterling of the s^d^ Lady Charlotte's portion aforesaid, or if landes be purchased therewith that they shall remaine in pledge for the paymente of the s^d^ 5000^li^ sterling, to the benefit of his heirs, who shall not pretend any greater interest or parte in the portion or goodes of the s^d^ Lady Charlotte upon any condition whatsoever, and if the s^d^ Lady Charlotte should dye before the s^d^ two yeares expired her heires should not pretend any discharge of or uppon the s^d^ 5000^li^ sterling, but that the same should be paid out of her s^d^ portion afores^d^, and that for securitie and assurance of the s^d^ dowry, house, park and other goodes and rightes of the s^d^ Lady Charlotte, as well then present as which might afterwards fall unto her: the s^d^ Lord and Lady, Earle and

Countesse of Derby, sh^d procure the s^d Lady Charlotte letters of Indenization, as in and by the s^d recited writing to which relation being had more fully and at large it doth and may appeare. And whereas according to the s^d recited contract and writing a marriage was shortly after the date thereof in due manner had and solempnized betweene the s^d Lord Strange and Lady Charlotte, in the presence of the s^d King and Queene of Bohemia, Prince of Orange, Duches of Tremouille, and other persons of greate honor and worth.[55]

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No. II. — (*See p.* xvi.)

Report of Mr. Thomas Brereton, to the Committee of Sequestrations, touching the Settlements made in favour of the Dowager Countess of Derby. (Royalist Composition Papers, 1st series, vol. xix. *folio* 427.)

ACCORDING to your order [dated] the 27^th^ January 1651-2 I have examined the petition of Charlotte, the relict of James late Earle of Darby, desiring (her clayme being allowed by the Coñittee of Obstructions) your discharg of certain manors &c. in the counties of Lancaster, Chester, York, and Flint, part being setled for her jointure, the rest conveyed in trust for her, all sequestred for the delinquency of her said husband; and I find

That by an instrum^t or writing dated at the Hague the 4^th^ of July 1626, made betwixt the said James, then Lord Strange, late Earle of Darby, of the one part, the said Lady Charlotte and her mother, the Dutchesse of Tremouille, of the other part, in the presence of the King and Queen of Bohemiah, and other great

[55] Extract from Close Roll, 38 pt. 5 Car. I., No. 20, of so much as contains the recital of the marriage contract of James Lord Strange with the Lady Charlotte Tremoille.

parsonages, a contract of marriage was concluded betwixt the s^d^ James Lord Strange and the Lady Charlotte. And it was agreed that she should bring w^th^ her a portion of 24000^li^ sterling to be paid in Paris, in the kingdom of France, unto comissioners, to be named by Lord and Lady Strange now remaining in England, to be employed in the purchase of lands in England, or otherwise to be advanced, for the benefit of the s^d^ Lord Strange and his Lady, and the heirs proceeding of them, provided, amongst other thinges, that if the s^d^ James Lord Strange should first dye, leaving issue or not, the s^d^ Lady Charlotte should have a dower of 1000^li^ per annum, w^th^ a house and a park befitting her quality, and should resume the 24000^li^ portion, or the lands therewith purchased, and all her jewels, rings, and other goods mentioned in the said writing, to enjoy them wholy as her owne; but if the said Lady Strange should die before her said husband, leaving daughters, they shall inherit all her lands, moneys, and jewels, provided they do not marry or match against their father's will and be obedient unto him, or else to stand to his curtesie and disposing, and what may happen to them according to the customs and laws of England; w^ch^ instrument or writing is produced, dated at Hague, under the seale of Holland, and attested by Francis Criep Register. (*Close Roll 38th*, 5 *Car.* I, *No.* 20.)

The 12th September 1626, the late King Charles by his Letters Patent, now produced, under the great seale, did Indenize the said Lady Charlotte, wife of the said James Lord Strange.

The 1st of June 1628, by indenture enrolled in Chancery the last of July following, between W^m^ Earle of Darby, James Lord Strange, and the Lady Charlotte his wife, of the first part, Sir Edward Coke and Sir Randulph Crewe, of the second part, and Sir Thomas Posthumus Hobby and Sir Henry Vane, of the third part; and by an indenture of bargaine and sale, dated the 10^th^ of June 1628, and inrolled in Chancery the 30^th^ of July following, and by three comon recoveryes suffered, one at Lancaster, the 25^th^ of August, another at Chester, the 29^th^ of September, the third at Westminster in Hillary Tearme, 1628, the s^d^ W^m^ Earle of Darby and

James Lord Strange in consideration of the marriage then solemnised betwixt the s[d] Lord Strange and the Lady Charlotte, and for providing a competent joynture for her, for preferm[t] of their children, and the establishing the manors &c. after menc̃oned in the blood of the s[d] Earle of Darby did estate the manors of Knowesley, Bury, Pilkington, Brightmead, Holland, Halewood, Sawreby magna, and Sawreby parva, w[th] their appurtenances, in the co. of Lancaster, and the manors of Bidstone, Macclesfield, and Wieldboreclough, in the countie of Chester, and the manors of Thirske, Kerkby Malzard, Burton in Londesdale and Mewith,[56] with the appurtenances in the countie of York, and all messuages, lands, tenem[ts], hereditam[ts] &c. thereunto belonging, or reputed as part, lying or being in the manors, towns, forests, parkes, chases, liberties, or precincts of Knowesley, Bury, Pilkington, Holland, Halewood, Walmersley, Brightmead, Reddivalles, Elton, Shuttleworth, Heape, Haworth, Haslomhey, Unseworth, Outwood, Whitfield, Cheetham, Cheetwood, Salford, Manchester, and Sawrebies, in the said county of Lancaster, and all tithes of grain and hay yearly growing and arising within the manors, towns, townships, hamlets, villages, precincts, and liberties of Knowsley and Holland, in the s[d] co. of Lancaster, and the advowson of the Church of Burie, in the s[d] countie, and of Bidstone, Macclesfield, Wieldborecloughe, and Wirrall, in the s[d] co. of Chester, and of Thirsk, Kirkby Malzard, Burton in Londesdale, and Mewith, in the s[d] co. of York, upon the s[d] W[m] Earle of Darby during the joynt lives of the s[d] Earle and James Lord Strange, the remainder to the Lady Charlotte for life for her jointure, the remainder to W[m] Earle of Darby for life, the remainder to the Lord Strange, and the heirs male of his body in tail, the remainder to the heirs of his body, the remainder to the heirs of the body of W[m] Earle of Darby, the remainder to the right heirs of the Earle of Darby and the Lord Strange for ever. The enrolment of w[ch] indentures is deposed by Rob[t] Carre. A copie of the recoverie at Lancaster is deposed by Arthur Burron.

[56] Query.

A copy of the recoverie at Chester is deposed by Tho. Browne, and the recovery at Westminster is produced, exemplified under seale. (*Close Roll* 20 *p. A°* 4 *Car.* 1 *M.* 5, 6.)

The 25th of March 1629, by indenture tripartite enrolled in Chancery the 12th of May following, made between the s^d^ Dutchesse of Tremouille, of the first part, the s^d^ James L^d^ Strange, and the Lady Charlotte his wife, of the 2^d^ part, W^m^ Earle of Pembroke, Philip Earle of Montgomerie, Sir Ranulph Crewe, and Sir Thomas Posthumus Hobie, trustees for the said L^d^ Strange and the Lady Charlotte his wife, on the 3^d^ part, reciting the s^d^ contract of marriage by the said instrum^t^ or writing, dated the 4th of July, 1626, and alsoe the s^d^ agreem^t^ therein contayned touching the portion of 24000^li^ to be bestowed in the purchase of landes and the provisoe that if the s^d^ Lord Strange sh^d^ first die she to have 1000^li^ p annum with a house and parke convenient for her quality, and sh^d^ resume the s^d^ 24000^li^ or the lands therewith purchased to enjoy as her owne. The s^d^ Dutchesse, the Lord Strange, and the Lady Charlotte his wife, by the s^d^ indenture tripartite confirme the s^d^ agreem^t^, and reciting that the s^d^ W^m^ Earle of Derby, by the consent of the L^d^ Strange and the Lady Charlotte his wife, had, according to the s^d^ agreem^t^ by conveyance dated the first of June then last, setled a joynture of 1000^li^ p annum, w^th^ a house and a park befitting her degree, it was concluded by all the parties to the s^d^ indenture tripartite that the s^d^ 24000^li^ (as it should growe due) should be paid to the s^d^ Earles of Pembroke and Montgomery, Sir Ranulph Crewe, and Sir Thomas Posthumus Hobie, for purchasing of manors and lands in fee simple, and in the meantime the money to be employed to the best advantage upon specialle trust that the s^d^ lands and money and the rents and profits thereof sh^d^ be employed for the benefit of the s^d^ Lord Strange and the Lady Charlotte during their lives and the life of the longest liver of them, and after for the benefit of the heirs of their bodies, and for divers other purposes in the s^d^ indenture mencioned. The inrolment wherof is deposed by Robert Carre.

The 28th of May 1629 by indenture inrolled in Chancery the 8th

of June following, the s^d^ L^d^ Strange in consideration of 4000^li^ did bargain and sell unto the s^d^ W^m^ Earle of Pembroke, Phillip Earle of Montgomerie, S^r^ Ranulph Crewe, and Sir Thomas Posthumus Hobie, their heires and assignees for ever, the manors of Goosnargh and Chipping, w^th^ their appurtenances, in the county of Lancaster, and all messuages, lands, tenements, and hereditaments to the s^d^ manors belonging, or therew^th^ enjoyed or reputed as parcell, and all messuages, landes, tenements, and hereditaments formerly granted, bargained, and sold by S^r^ Richard Hoghton, Sir Gilbert Hoghton, S^r^ Thomas Tildesley, Thomas Middleton, and W^m^ Houghton, by indenture tripartite, dated the 6^th^ of October 1628.

And by another indenture, dated about the s^d^ 28^th^ of May and enrolled likewise the s^d^ 8^th^ of June, made likewise betwixt the s^d^ parties, reciting the said last mencioned indenture of bargain and sale, and that the s^d^ 4000^li^ consideration was part of the s^d^ 24000^li^ portion, the s^d^ William Earle of Pembroke, Phillip Earle of Montgomerie, Sir Ranulph Crewe, and Sir Thomas Posthumus Hobie did covenant and agree with the s^d^ James Lord Strange that their estate in the premises by force of the s^d^ bargain and sale sh^d^ be in trust for the s^d^ Lord Strange and the Lady Charlotte his wife during their lives and for the life of the longest liver of them, and after in trust for the heirs of their bodies, and for default thereof in trust for such person and persons and his and their heirs, executors, administrators, and assignes, and for such termes, times, and estates as the s^d^ Charlotte sh^d^ at any time there after during her life by any act or deed in writing sealed and signed in presence of two witnesses, limit or appoint, and from the determination of the s^d^ estates, tearms, and times, or for want of such limitacion and appointm^t^ then in trust for the heirs and assignees of the s^d^ James L^d^ Strange for ever. The inrolment of the s^d^ two last mencioned indentures is deposed by Robert Carre.

The 17^th^ of June 1629, by indenture inrolled in Chauncery the same day, made betweene the s^d^ James Lord Strange of the one part, and the s^d^ Earles of Pembroke and Montgomerie, Sir Ranulph Crewe, and Sir Tho^s^ Posthumus Hobie, of the other part, reciting

that the said W^m^ Earle of Darby, by indenture dated the 1^st^ of March 1598, did demise the manors of Overton, Maddock, Bangor, and Malors Saysneck, w^th^ th' appurtenances in the co. of Flint, the advowson of the church of Bangor, and all messuages, lands, tenem^ts^, and hereditaments unto any of them belonging, and also all other his manors, lands, tenem^ts^, encroachm^ts^, and hereditam^ts^ in Belersfield, Hanmer, Willington, Penley, Worthenbury, Overton villa, Overton forrain, Iscoyd, Bangor, Tibroughton, Halghton, Erbistock, Knoulton, Boddyderis, Dutton, and Abember, in the s^d^ co. of Flint, unto S^r^ Randall Brereton for 10000 yeares without ympeachm^t^ of waste, under a pepper corne rent, reciting alsoe that the said tearme by good assurances in law came unto Thomas Earle of Suffolk and Edward Earle of Worcester, that the said Earle of Suffolk dying the said Earle of Worcester became solely possessed and by his will and testam^t^ in writing did constitute Henry Earle of Worcester his executor, and dyed, and reciting that the s^d^ Henry Earle of Worcester by his indenture, dated the 16^th^ of that instant June 1629, for the causes therein expressed, did assigne the manors and premises unto the s^d^ James L^d^ Strange during the residue of the s^d^ tearme, the s^d^ James L^d^ Strange, by his indenture dated the 17^th^ of June 1629, in consideration of 2000^li^ paid by the s^d^ Earles of Pembroke and Montgomerie, S^r^ Tho^s^ Posthumous Hobie, and Sir Ranulph Crewe, did assigne the s^d^ manors and premises and all his estate and interest unto the s^d^ Earles of Pembroke and Montgomerie, S^r^ Ranulph Crewe, and S^r^ Thomas Posthumus Hobie during the residue of the s^d^ tearme of 10000 yeares. And it is declared by all the s^d^ parties that the s^d^ 2000^li^ consideration was part of the 24000^li^ portion w^ch^ was to be imployed as afores^d^, and that the s^d^ assignement unto the Earles of Pembroke and Montgomerie, &c., was in trust for the s^d^ James L^d^ and Lady Strange during their lives, and after in trust for the heirs of their bodies, and for default thereof in trust for the heirs of such person and persons as the said Ladie Charlotte should by any act or deed in writing appoint, or and for want of such appointment in trust for the right heirs of the s^d^ Lord Strange during the residue of the s^d^ tearme of

10000 yeares, the enrolm^t^ of which indenture is deposed to by the said Rob^t^ Carre. (*Claus. Roll* 13 *p.*, 5 *Car. I., No.* 14.)

The 11^th^ of December 1630, by an indenture enrolled in Chancery the 23^rd^ of May following, made betweene the s^d^ James Lord Strange of the one part, and the s^d^ Earles of Pembroke and Montgomerie, Henry Earle of Holland (who was chosen trustee in the place of the s^d^ W^m^ Earle of Pembroke, deceased) S^r^ Ranulph Crewe, and Sir Tho^s^ Posthumus Hobie of the other part, reciting the s^d^ marriage, the said indenture tripartite of the 25^th^ of Marche 1628, and that the s^d^ trustees had received of the s^d^ 24000^li^ portion 6000^li^ more. The s^d^ James L^d^ Strange in consideration of the s^d^ 6000^li^ did bargain and sell unto the s^d^ trustees, their heirs and assignees for ever the rectorie of Ormeskirk, the tythe barnes of Newburgh, Bickersteth [*alias* Bickerstaffe], and Scaresbreck, in the s^d^ co. of Lancaster, w^th^ all tythes comodities &c. unto the said rectorie and tythe barnes belonging, and all other tythes in Snape in the s^d^ parish of Ormeskirk, upon trust and confidence that the s^d^ trustees and their heirs should permit the s^d^ L^d^ Strange and the Lady Charlotte his wife, and the heirs of their bodies, to take the rents and profits, and for want of such issue the said trustees to hold the premises upon the further trusts, limitations, and agreem^ts^ contained in the s^d^ indenture tripartite, the inrolm^t^ of which indenture, dated the 11^th^ of December 1630, is also deposed to by the s^d^ Robert Carre.

And I find further that in or about Sept^t^ 1642, the s^d^ W^m^ Earle of Darby dyed, and the s^d^ James L^d^ Strange, after Earle of Darby dyed in October 1651. And I find the s^d^ James Earle of Darby to be one of those persons whose lands by the Act of the 16^th^ of July 1651, are forfeited to the Comonwealth and appointed to be sold, saving the right of others in law and equity that shall have their claimes allowed by the Committee for Obstructions as more at large in the s^d^ Act is exprest.

In pursuance whereof the s^d^ Lady Charlotte Countesse of Darby petitioned the s^d^ Comittee to have her title and claime to all the premises allowed, and upon report of her case it was

ordered and adjudged by that Coñittee the 5th of February 1651, that the estate of the sd Lady Charlotte in the sd manors of Knowsley, Bury, Pilkington, and other the lands, tenemts and hereditamts mencioned in the sd deed of the 1st of June 1628, to be thereby setled upon her for her jointure, be allowed unto her during her life. And as touching the rest of her clayme it was respited for a weeke, and in regard of the difficultie of the case all the lawyers of parlamt and the Lord Chief Justice Rolles and Judge Jermin, being called to assist, it was, by the sd Coñittee ordered and adjudged the 25th of February 1651, after severall debates severall dayes, that all the rest of the sd manors, lands, titles, tenemts, and hereditamts soe as aforesaid purchased with part of the sd 24000li portion do remayne to the sd Lady Charlotte, her heirs and assignees, for all the sd estates conveyed to the said trustees respectively, to be wholly at her disposing according to the sd writing and agreemt made before her marriage, which orders are deposed by Robert Carre.

And the said Lady Charlotte now deposeth before you that she hath not released her right to any of the said manors or any of the premises, nor done any other act to her knowledge to barre herself of all or any of them.

Soe it is submitted to judgmt whether the sd manors and premises, soe, as aforesaid, setled upon the sd Lady Charlotte for her joynture, and conveyed unto the sd trustees to her use ought not to be discharged from sequestration, and she be permitted to enjoy and dispose thereof according to the judgment of the Coñittee of Obstructions.[57]

PET: BRERETON.

Marc. 23, 1651-2.

[57] It was not until the 10th of June 1653, that the council ordered that the countess dowager of Derby should be allowed one-fifth part of the revenue of the estate then under sequestration, to maintain herself and children. (Royalist Comp. Papers, 1st series, vol. xix. p. 385.) This payment, however, was not made; and the countess again petitioned "the Honble the Commissioners for compounding with Delinquents," in which petition she stated that by act of parliament of the 8th of October 1653,

No. III. — (*See p.* clxiv.)

Briefe State of His Ma^te^ Affayres, sent to the Earl of Derby by King Charles II.

THE Act of Classis whereby the greatest and most actiue part of the nobilitie and gentry of Scotland were excluded all share in the government, being first waued in part in a parliament held at S^t^ Johnstons, and afterwards absolutely taken away in one at Sterling, a powefull army was raised with as much speed as the debates concerning that matter of the classis would permitt, and in y^e^ end His Ma^ty^ in the head of it marcht towards the enemie who upon His Ma^te^ motion moued likewise towards His Mat^y^. So they faced one another, each shewing a good will to fight, but neyther vpon the others ground, in which the disadvantage lay, the armies being encamped vpon two opposite hills which a riuer diuided. Yet His Ma^ty^ took an opportunitie by night to draw unexpected close to his owne side of the bottome, from whence at breake of day he powred in such a storme of cannon shott as made Cromwell retire for that time in great amazement: after this the armies trauersed as formerly to haue gotten some advantage one of the other, but it could not be. Then Cromwell priuately boated over a party into Fife, which His Ma^ty^ supposing to haue been much lesse then proued, sent an vnequall number to encounter it, which the enemie being three for one did ouerpower and defeate though not without considerable losse to themselues, the men selling their liues dear.

Upon this successe Cromwell past the grosse of his army into Fife, and His Ma^ty^ his after him twice, drawing it through Sterling

she had been admitted to compound for her real and personal estate, according to such rates as in the said act were expressed; but the privilege, such as it was, had not been extended to her. On the petition is this significant memorandum: "Referred to Mr. Brereton to report. R.M.B.W." (Ibid., vol. xix. p. 392.)

"Reports" without "orders" were useless, and even "orders" seem to have been an official form, the meaning of which was well understood by the executive of "the Hon^ble^ Commissioners for compounding with Delinquents."

and marching vp to haue fought him, but found him both times so close and fortefied, and withall the weather so extreamly bad, that he retreated without doing anything, and presently tooke a briske resolution (leauing the enemie engaged on the other side the Fryth) to march into England, contrary to expectation either of frends (that stood not within the councell) or of enemies, that after so much harassing, the army could be persuaded therunto, but the King expressing a passionate desire to the thing, and the generall assembly of the Kirk of Scottland vnanimously advising and animating His Ma^ty^ to it, they did it with the greatest cheerfullnesse in y^e^ world, and are come to this place (which is between Lancaster and Preston) without seeing an enemie, or something of former smart, had begotten different apprehensions.

His Ma^ty^ at his entrance in the kingdome issued a declaration signefying amongst other things his free pardon to all that will submitt to his regall authority, excepting a very few therein specifyed, and this day at Lancaster did publish a generall summons to the kingdome to rise at once for the King and the lawes, either imediately repayring to his army for that purpose if within distance of it, or otherwise acting by way of diuersion; and seizing vpon any strengths, forces, magazines, or whatsoeuer else may advance the businesse. And in this posture His Ma^ty^ is arriued at Elel Moore this 12^th^ of Aug. 1651.[58]

Higher Whitly, in Cheshire, 16 of August 1651. The royall camp being there.

His Ma^tie^ pursuing his course by easy marches so as not to tyre out his men did on Friday the 16 of August meet with the first sight of an enemie, which was in and about Winwicke (the great parsonage) 2 mile north of Werrington, and it was a small party which His Ma^ties^ Vanne soone despatcht in their advance, their body being before resolued to defend that passe, as well they might

[58] See *Memoirs*, p. clxxv. *ante*. This appears to have been the conclusion of the letter; but the additions following were afterwards made before the letter was despatched to lord Derby by the king on the 16th of August.

haue done, considering the advantage of it, and that Lambert had with him there for that purpose above 3000 horse and as many foote (they are by many confidently reported to haue been much more). When His Ma^tie^ was advertised hereof, he could haue past the riuer by seuerall foords, but chose rather the way of hazard to shew that his forces were not so inconsiderable, or the enemie so terrible as themselues gaue out in all places. So advancing directly to the towne, he first beat them out of that, and then from the bridge. Which when they saw they should be forced from, they began to cutt it; but were then in so much hast that they could only breake down so much of it, as the loyall townesmen supplied within lesse then an hower, to make way for the King's army after them. With part whereof His Ma^tie^ marcht ouer as soone as it was possible, facing the enemie with that till the rest might followe. But before that could be done, they were vanisht seuerall wayes in such manner, that the King (though following hard with a partie only, and tracing them in the spoyles they left scattered in hedges and wayes, as some carts of provision, many musketts, and other things) hath not been able as yett to ouertake any of them.

His whole army is now come up to him, and to-morrow he will continue his pursuite of the enemie provided they leade him not too much out of his way, untill they shall be quite dissipated if they are not so already. His Ma^tie^ is not a little pleased to reape the effect of a victory without the effusion of blood with which victories are usually purchased, wishing they may be all such which he gains ouer his subjects, and those who continue in a sinfull opposition of him, would by laying downe their armes make way for an imediate act of oblivion and the peaceable enjoyment of euery man his owne under knowne lawes, rather then to use farther provocations of their King and country, which (whateuer their presumption is vpon their former successes) may proue bitternesse to them in the end.

[Indorsed:] "A paper stiled (Briefe State of His Ma^ties^ Affaires). Sent by Ch. Stuart to y^e^ Earle of Darby — 16 Aug. 1651, y^e^

Scots y^n being in Cheshire. — w^th this he sent a tre to y^e Earle and his Declarac̃on of Summons vpon his first entring into England."[59]

No. IV. — (*See p.* cxcvii.)

A Letter of a Royalist giving an account of the Battle of Worcester.

I BELIEVE you have too soone heard [of] our misfortunes at Worcester, and its possible there are amongst you that blame our proceedings, rather then pitty us; but if they knew the state of our master's affaires, when he was in Scotland and here, they would say otherwise. It's certaine Cromwell would not fight us in our owne country but with great advantage to himselfe, he knowing that our army lying idle would moulder to nothing, as indeed it had if His Majesty had not brought them away. It consisted of 12000 fighting men absolutely under the command of His Ma^ty, the w^ch being marched into the heart of the kingdome, and possessed of the citty of Worcester, might, in probability, have proved a notable step towards the resetling of this kingdome, had not God determined it otherwise.

I am sure the King omitted nothing that might encourage the country to rise with him, or at least to lye neuter; but on the contrary, they rose (w^ch had they not don, w^thout doubt we had beaten Cromwell's forces, they being inconsiderable), violently ag^st us, to such numbers as made y^e enemy neere 40000. The least any of their officers report them was 36000. With this number they came before us at Worcester, the city was neither fortifyed nor victualed. His Ma^ty thought he could not in honnour leave them to be plundered by the ennemy, who had so willingly received him.

[59] *Tanner MS.*, 54, ff. 155–6.

During the ennemy's lying there the King was very active, and sent out often strong partys, but y^e^ ennemy was soe watchfull, and lay soe strong, that though our men behaved themselves courageously, they could get no advantage of them. The day and manner of the fight you may gather from their tres. His Ma^ty^ behaved himselfe very gallantly with his owne regiment of horse, and D. Hamiltons; he broke a regiment of foote, and forced back a considerable body of their horse; but at last, overpowered, our horse ran, though the King strove to make them stand.

The King being closely pursued, and our men stopping y^e^ passage, was forced to quit his horse, and climbe up our halfe-raised mount and there we encouraged our foote, that the ennemy retired with losse. The King perceiving the enemy too numerous and our men worsted, drew them within the walls where it was long disputed, then y^e^ King taking fresh horse rode to the cavalry w^th^ intention to rally them, and scoure the foote from the walls; but it was in vaine (for Middleton was wounded, the chief horse officers either dismounted, slaine, or I know not where; Davy Leshley rode up and downe as one amazed, or seeking to fly, he knew not whither) for they were soe confused, that neither threats nor entreaty could persuade them to charge with His Ma^ty^. What became of His Ma^ty^ afterwards I know not. God p̄serve him, for certainly a more gallant prince was never borne. Towards the evening all things appearing very horrid, alarums in every part of the citty, and a certaine report that y^e^ enemy had entred one end of the towne, and we of the horse trampling one upon another, and readier to cut each others throat then to deffend ourselves ag^st^ y^e^ enemy. In this confusion, at last we got out of towne, and fled as fast as we could. In y^e^ head of us, as appeared y^e^ next [morning], were our 2 lieut. gr̄als. We had noe guide, soe as we often lost our way, yet reached Newport by the morning, 30 miles on this side Worcester, and there thought to have refresht our selves, and marcht quietly for Scotland; but our ennemy's posts flew faster then we, and there wanted not consid^r^able forces in every place to front us, and we were so closely pursued in y^e^ day by the army and the garrison

forces, and in the night by the country, that from the time we came out of Worcester, till Friday in the evening, that I was taken prisoner, 7 miles from Preston, I nor my horse ever rested. Our body consisted of 3000 in the day; we often faced the enemy and beate theyr little partys to their body, but still those of us whose horses tyred or were shot, were lost, unlesse they could runne as fast as we rode. In the night we kept close together, yet some fell asleep on their horses, and if their horses tarried behinde, we might heare by their cryes what y^e^ bloody country people were doing with them. On Thursday night our lieut. gr̃als, Middleton and Leshley, left us, or lost us willingly; but as much haste as they made, both of them, with S^r^ Will. Flemiuge, are here prisoners. I left [the] D[uke of] Hamilton prisoner at my coming out of Worcester, being shot in y^e^ legg; he is since dead, upon the cutting of it off: few or none of the King's servants are escaped. The Ea^s^ of Derby and Lauderdaile, and S^r^ David Cunningham, and M^r^ Lane, are prisoners here in the castle. Many are prisoners in private houses, the church and castle being full. They are soe heigh, that they have condemned from household servants to noblemen, so y^t^ w^t^ will become of us I know not.

Chester, 17^th^ Sep^t^ 1651.[60]

[Indorsed:] Relac̃on of the defeate of y^e^ King's army at Worcestor, $\frac{3}{13}$ Sep^bris^ 1651.

No. V. — (*See pp.* cxcvi. cc.)

Letter of Ferdinando Earl of Derby in behalf of Thomas Edge.

Of captain Oliver Edge, a Lancashire man, to whom lord Derby and some of his friends surrendered, after the battle of Worcester, nothing has been recovered. The name of Edge seems to belong

[60] State Pap. Dom. Interregn., Correspondence, 646, 180.

to North Lancashire, and has long lingered amongst the Derby tenantry, so that it is not improbable that the parliamentary captain was an offshoot of the family, nor was it likely to be forgotten that earl James had said "Captain Edge was so civil to me, that I and all that love me are beholding to him." The following interesting letter of Ferdinando, afterwards earl of Derby, in behalf of a young member of the Edge family, only expresses the benevolent, considerate and kindly feeling which pervades so many of the letters of this fine young nobleman. If captain Edge was of this family it is probable that old associations had not quite lost their force and that the new interests and associations which had risen up had not altogether supplanted them.

GENTLEMEN, — Understanding that there hath bin some speeche had for a marriage to be made betweene one Thomas Edge and a daughter of M^r^ Robert Mullinex and the said mocion yet resteth in speeche and not agreed vpon, and for that it is crediblie informed me bie those whom I repose trust in, that Edge is a verie honest man and one who sheweth himselfe verie willinge to become tenant vnder my Lo. my father and me as, if the matter take place, he is to be; therefore I haue not only thought good to signifie to you of my consent and good liking of the marriadge but also to desire you to further the same by the best meanes yow can; and yf neede be to use your good endevors also to my Lo. my father for his favor towards the yong man. And so referring the matter to your best consideracõns with my loving comendacõns I cease. Channon Roe this xxiiii^th^ of Maie 1590.

Your very louing frend,

ffer. Strange.[61]

[Addressed :] To my verie Louinge ffrends Richard Holland and Willm̃ ffarington esquiers or to either of them geve thees.

[61] ffarington Letter Book, 1541–1699, p. 43, *Worden Evid.*

No. VI. — (*See pp.* clxxi., clxxii., Note 43.)

Major General Sir Thomas Tyldesley knt. and his family belongings.

SIR Thomas Tyldesley of Myerscough, was the elder of the two sons of Edward Tyldesley of Morleys hall, in Astley, in the parish of Leigh, esq., sometime steward of the household of Ferdinando, earl of Derby.[62] His mother was Elizabeth, daughter of Christopher Preston of Holker, esq., and of his wife Elizabeth, daughter and co-heiress of Richard Holland of Denton, esq. She seems to have lived on bad terms with her first husband, Tyldesley, who was probably a querulous valetudinarian. In his will, dated the 23rd of March, 54 Jac., he styles himself Edward Tildesley of Morleys, in the county of Lancaster, esq., and desires to be buried in his own chapel in the church of Leigh. He then proceeds to put on record the following curious domestic episode: "Whereas, I have made choice of a match for my sonne Thomas Tildesley, according to my desire and likeing and having accordinglie married him to Anne daughter of Edmond Breres, esquier, who hath paid me £600 for the portion of the said Anne, I require my said sonne at his yeares of consent to accept of the said marriage, as well for that out of my love unto him I have made choice thereof, as also to avoide the paiement of those great somes of money which I have charged him to paie if he refuse to consumate the said marriage. And I doe hereby charge my said sonne that he doe not suffer himself to be withdrawn from the said marriage by his unkinde mother whoe by herselfe and others hath drawn from me, contrarie to my meaneing, an estate of £200 per annum dureing her widowheade, my purpose therein was that she should have the same, being Poulton tythes, dureing her widowhead, if I happened to die without issue male, haveing then none, and not otherwise; besides, she hath so neglected me and her children, myselfe being sicklie

[62] Gastrell's *Notitia Cestriensis*, vol. ii. part ii. p. 185, note 8.

and they younge, therein manifesting her little regard for us; and my mind and will is, that she shall have nothing to do with either of them by tuicion or otherwise; and, as far as in me lyeth, I give the marriage and wardshippe of my sonne Thomas to Edmond Breres, and ratifie the deed of gift of all my goods that I have made to Edmond Breres and Robert Dewhurst. I give them also all such goods as are not given by the said deed in trust for Edward Tildesley my younger sonne. I give my herbage of Mierscough and my lands there to my sonne Thomas. I make Edmond Brercs gardian of my sonne Thomas (and of my sonne Edward) to the end that he maie be matched and married to some of his daughters." He appointed James Massey, esq. and Christopher Anderton of Lostock, gent., executors, and Roger Bradshaw, esq., his uncle, and John Poole, esq., his brother-in-law, overseers, and gave to each of his servants two years' wages, and to Christopher Anderton £60. The testator died about 1618, and his will was proved by the executors named, at York, on the 3rd of October 1622.[63] The young widow shortly afterwards married Thomas, son of Richard Lathom of Parbold, by his wife Elizabeth, daughter of sir Peter Legh of Lyme, knt., and had surviving issue. Being a second time a widow, she married Thomas Westby of Burne, esq., second son of Thomas Westby of Mowbrecke, by his wife Perpetua, daughter of Edward Norres of Speke, esq. This step-father of sir Thomas Tyldesley was an officer in the army of Charles I., and was killed at Preston in the year 1643, and two of his sons were afterwards officers in the life guards in the service of Charles II.[64] Sir Thomas did not fulfil the wish of his father by marrying the daughter of his kinsman Edmond Breres, a lawyer (who had married the rich coheiress of sir Thomas Tildesley of Orford, knt., bencher of Gray's Inn and one of the council of York for the north) and who was the second son of Roger Breres of Walton, esq., by his wife Ann, daughter of Percival Harington of Huyton, esq.,[65] but he married, about

[63] *Lanc. MSS.*, Wills. [64] *Lanc. MSS.*, vol. xiii. p. 60.
[65] *Lanc. MSS.*, vol. xii.. *Stanley Papers*, part ii. p. 205.

the year 1634, Frances, elder daughter of Ralph Standish of Standish, esq., and of his wife Bridget, daughter of sir Richard Molyneux, knt., and sister of the first viscount Molyneux, by whom he had issue three sons and seven daughters. Mr. Ormerod rightly describes lord Derby as the head, and sir Thomas Tyldesley as the unflinching right hand, of the Lancashire royalists.[66] Sir Thomas was in early life in the wars in Germany, and at the beginning of the civil war in England joined the king's standard, raised troops at his own expense, served in the command of them, and distinguished himself as a lieutenant-colonel in 1642 at Manchester,[67] and afterwards at the battle of Edge Hill. His other brave actions are recorded by Clarendon, as well as on a monument about a quarter of a mile to the north of the town of Wigan, in the hedge fence, on the spot where he fell, fighting under the earl of Derby, on the 25th of August 1651. It is remarkable that the grateful and graceful act of Rigby is deprived of both its merits by the mutilated copy of the inscription as recorded in Seacome's *History*, pp. 300, 301; in Baines's *History of Lancashire*, vol. iii. p. 546; and in other local histories; all of which give the inscription only to the end of "TYLDESLEYS," omiting the three concluding lines.

An High Act of Gratitude
Which conveys the memory of
SIR THOMAS TYLDESLEY
To Posterity,
Who served KING CHARLES THE FIRST as
Lieutenant Colonel at Edge-Hill Battle,
After raising Regiments of Horse, Foot, and Dragoons;
and for
The desperate storming of Burton-upon-Trent,
Over a Bridge of 36 Arches,
RECEIVED THE HONOUR OF KNIGHTHOOD.
He afterwards served in all the Wars in great command,
Was Governor of Lichfield,

[66] *Civil War Tracts*, Pref. Memoir, p. 11. [67] *Civil War Tracts*, p. 47.

And followed the Fortune of the Crown through
The Three Kingdoms,
And never compounded with the Rebels, though strongly invested;
And on the 25th of August A.D. 1651 was here slain,
Commanding as Major General under the
EARL OF DERBY,
To whom the Grateful Erector,
ALEXANDER RIGBY, Esq., was Cornet;
And when he was High Sheriff of this County,
(A.D. 1679)
Placed this high obligation on the whole
FAMILY of the TYLDESLEYS,
To follow the noble Example
of their
Loyal Ancestor.[68]

For some interesting but melancholy passages in the last scene of the fortunes of the grandson of this great cavalier, sir Thomas Tyldesley, see Heywood's *Norris Papers*, pp. 137–140.

No. VII. — (*See pp.* ccv.–xi.)

The official record of the proceedings of the court martial appointed by Oliver Cromwell for the execution of the earl of Derby. (Orig. in the Libr. House of Lords.)

CHESTER. Att a courte martiall holden at West Chester the xxix[th] of September in the yeare of our Lord God one thousand six hundred fifty and one.[69] By virtue of a commission from his excellency the Lord General Cromwell (grounded upon an acte of parliament intituled an acte prohibiting correspondency with Charles Stuarte or his party, bearinge date xij[th] of August last), directed to Major-Gen[r]all Mitton, Colonel Ducknfield, Colonel

[68] MS. 4to vol., Knowsley Library.
[69] Wednesday 1st October 1651. Somers' *Tracts*, vol. ii. p. 503.

Mackworth, Colonel Birch, Colonel Henry Brooke, Colonel Henry Bradshaw, Col[l] Thomas Croxton, Colonel Gilbart Ireland, Colonel John Carter, Collonel Twisleton, and Colonel Mason or any three or more of them.

Att the sittinge of the courte the commission from his excellency the Lord Gen[r]all Cromwell was openly read, and is as followeth.

Whereas the parliament by an acte of the 12[th] of this instant August prohibiteinge correspondency with Charles Stuarte or his partye have thereby enacted that whosoever shall or may offend against the said act shall or may be proceeded against by a councell of warr. In pursuance whereof and of order lately receved from the councell of state I doe hereby authorize and impower yow or any three or more of yo[w] as often as yo[w] shall think fitt to call a councell of warr or courte martiall at Westchester consistinge of yo[r]selves or any of yo[w] and of what other commission offic[rs] vnd[r] any of yo[r] commands yo[w] shall please to call to yo[r] assistance and at such councells or courtes to call before yo[u] any person or persons whomsoever resideinge or inhabiteinge or which shalbee apprehended in Lancashire Cheshire Salopp and Northwales who have or shall offend against the said acte of parliament and to receve depositions of all such witnesses as shall be brought before yo[w] for the cleringe or proveinge guilty of any such person or persons as aforesaid and thereupon to proceed to sentence and to cause the same to be put in execution accordingly and alsoe to execute and performe all things incident and requisite touchinge the premisses in w[h] yo[r] proceedings yo[w] are to observe such rules and lymitations as is sett downe in the said acte, and this commission is to continue in force untill the first day of December next and yo[u] are to keepe a true record of all yo[r] proceedings and actings thereupon and to certify the same to mee or to such as the parliam[t] and coun[ls] of state shall appoynte. Given und[r] my hand and seale the 11[th] of Sep[t] 1651.

O: Cromwell.

To Major-Gen[ll] Mitton Col[l] Ducknfeild Col[l] Mackworth Col[l]

Birch Col[l] Hen. Brooke Col[l] Hen. Bradshaw Col[l] Tho[s] Croxton Col[l] Gilb[t] Ireland Col[l] John Carter Col[l] Twisleton and Col[l] Mason or any three or more of yow.[70]

Commission[rs] and their commission offic[rs] present in the co[rt], in pursuance of the said commission, the said 29[th] day of September 1651.

Collonel Humphrey Mackworth, P̃sid[t].

Major Gen[e]rall Mitton	Captaine Samuell Smith
Colonel Henry Brooke	Captaine John Downes
Colonel Henry Bradshaw	Captaine Vincent Corbett
Collonel Thomas Croxton	Captaine John Delves[71]
Colonel George Twisleton	Captaine Edward Alcocke
L[t]-Collonel [Henry] Birkenhead	Captaine Ralph Pownall
L[t]-Collonel [Simon] Finch	Captaine Richard Grantham
L[t]-Collonel [Alexander] Newton	Captaine Edward Stelfox
Captaine James Stopford	

Afterwards the acte and resolves of parliam[t] were by the command of the co[rt] read openly and are as followeth:

Tuesday the xj[th] day of Sept[r] 1651.

Resolved by the parliament: That James Earle of Derby is a fitt person to bee brought to tryall and made an example of justice.

Resolved: That Captain John Benbow is a fitt person to bee brought to tryall and made an example of justice.

Resolved: That S[r] Timothy Fẽtherston-haugh is a fitt person to bee brought to tryall and made an example of justice.

Resolved by the parliament: That the Earle of Derby bee tryed at Chester by a co[rt] martial, and arested by a commission of the lord gen[r]all vpon the acte of y[e] 12[th] of August.

Resolved, &c.: That Captaine Benbow be tryed in like manner at Chester.

[70] The names of Birch, Brooke, Ireland, Carter, and Mason are omitted in the Somers' list of the officers. Somers' *Tracts*, vol. ii. p. 503.

[71] Captain John Griffith and Captain Thomas Portington are inserted in the Somers' list. *Ibid.*

Resolved: That S^r^ Timothy Fetherstonhaugh bee tryed in like manner at Chester.

Resolved by the parliament: That it be referred to the councell of state [to] see these votes put in execution effectually and speedily.

HEN: SCOBELL, C^lk^ Parliament.

The resolves beinge read the question was put by the said co^rt^.

1 R. Whether James Earle of Derby should bee proceeded against by way of articles of charge in writeinge to be exhibited against him upon the said act of y^e^ 12^th^ of August last or otherwise.

Resolved upon the said question by the said co^rt^ (none contradictinge) that the said James Earle of Derby shall have articles of charge against him exhibited contayninge the substance of the acte of parliament of the 12^th^ of August last and soe proceede against him, and hee forthwith to answ^r^ them.

2 R. Whether S^r^ Timothy Fetherstonhaugh (as the said Earle of Derby) shalbee proceeded against by articles of charge in writeinge to be exhibited against him, or otherwise.

Resolved, &c.: That the said S^r^ Timothy Fetherstonhaugh (as the said Earle of Derby) shall have articles of charge against him exhibited contayninge likewise the substance of the said acte of the 12^th^ of August last and soe proceeded against.

3 R. Whether Captaine John Benbow (as the said Earle of Derby and S^r^ Timothy Fetherstonhaugh) shalbee proceeded against by articles of charge in writeinge to be exhibited against him, or otherwise.

Resolved in the affirmative as of the other.

After the said resolves Articles of Charges were exhibited against James Earle of Derby and the martiall ordered by the co^rt^ theirvpon to fetch the said Earle his prison^r^ and bringe him to the court. The within-named James Earle of Darby beinge brought to the barre before the presid^t^ and the said co^rt^ martiall, and the presid^t^ haveinge acquainted the prison^r^ with the cause of his cominge before them ord^r^ was given by the co^rt^ that the clarke should read

to him y^e^ articles of charge exhibited against him, w^ch^ was accordingly done, and are as followeth:

Articles exhibited against James Earle of Derby the xxix^th^ day of September 1651, att a co^rt^ martiall at Westchester then and there held by vertue of a commission from his excellency the Lord Gen^rall Cromwell granted in pursuance of and grounded upon an Acte of parliam^t^ made the 12^th^ of August 1651, intituled an Act prohibitinge correspondence with Charles Stuarte or his partye.

1. That hee the said James Earle of Darby in the month of August and since the 12^th^ day of the said moneth with an army of horse and foote did invade England and enter the county of Lancaster and did then and their leavy warre against the parliam^t^ and comonwealth of England, and that hee had a commission from Charles Stuarte late commander-in-cheif of the Scottish army, a declared traytor and enemy to the comonwealth of England, to be generall of the said forces and of other forces by him to be raised.

2. That durringe the said tyme hee the said James Earle of Darby had conference and did keepe correspondency with the said Charles Stuarte a declared traytor and enemye to the comonwealth of England, who had then alsoe invaded that nation with a puissant army, and did then and their plott contrive and agree with the said declared traytor and enemy Charles Stuarte, to subvert the present governm^t^ and to sett up the said Charles Stuarte (a declared traytor and enemy to the commonwealth of England) to bee king thereof.

3. That in pursuance of such designe and contriveance hee the said James Earle of Derby did proclaime the said declared traytor and enemy Charles Stuarte to be kinge of England in diverse townes of the said county of Lancaster.

4. That hee the said James Earle of Derby within the tyme aforesaid did raise diverse troopes of horse and companies of foote in the said county, and gave commissions vnto severall persons to command the said troopes and companies as captains, and did after with the said forces soe by him raised actually fight with the forces

raised by the parliam^{t} of the comonwealth of England for the defence thereof.

5. That after the said James Earle of Derby was defeated and his forces routed in Lancashire, hee, durringe the tyme aforesaid resorted to Worcester to the said declared traytor and enemy Charles Stuarte and the army of Scotts, and others vnd^{r} his command, and their again did ioyne with him the said Charles Stuarte a declared traytor and enemy to the commonwealth of England, in levyinge warr against the parliament and commonwealth of England, and did actually fight with the parliam^{t} army when under the command of his excellency the Lord Gen^{r}all Cromwell. And after the said Scotts army was routed, hee the said James Earle of Derby was found in armes and tak^{n} prison^{r}. All this the said Earle of Derby hath done contrary to his duty and allegiance, and contrary to severall acts of parliam^{t} in that case made and provided.

Vpon the readinge of which said articles to y^{e} said Earle of Derby prison^{r} at the barre, hee made answ^{r} to them severally as followeth, beinge examined and asked by y^{e} president.

1. To the first article hee the said Earle answ^{r}eth and confesseth that about a week before the fight at Wiggon, w^{ch} was on or about the xxvth day of August last past, hee the said Earle landed in Lancashire with some foote and some few horse, and that before his cominge from the Isle of Man hee the said Earle had receved a commission from Charles Stuarte, in the articles mentioned, to be gen^{r}all of the countyes of Lancashire Cheshire Shropshire Staffordshire Worcestershire, and the six countyes of Northwales, and that hee the said Earle coniectur[ed] hee should have found the said Charles Stuarte with an army in Yorkshire w^{ch} if he had done hee saith hee would have sent those men back to the Isle of Man w^{ch} he brought with him from thence.

2. To the second article the said Earle answ^{r}eth and saith that when he the said Earle soe landed in Lancashire as aforesaid, the said Charles Stuarte was gone hence into Cheshire, after whom the said Earle saith hee went and did overtake him at Northwich in the said county of Chester, and there receved instructions from the said

Charles Stuarte to goe back to Lancashire and command some forces their, Saith that hee did formerly take a protestation whereby, and in soe doeinge, hee conceaves hee was bound to defend the persons of the late Kinge and his children, and that he did resolve since then and after the defeate of the forces of the late kinge, to stay in the Isle of Mann, but afterwards altered his purpose, beinge commanded over out of the same by the said Charles Stuarte, and beinge vnable to live their, did come over accordingly to trye his fortune and to regaine his estate, the said Earle alsoe saith that the forces [he] the said Earle raised and commanded came into England to defend (as he saith) the King's person.

3. To the third article hee the said Earle of Derby answ^reth and saith that immediately after hee came from Charles Stuarte at Northwich hee the said Earle (in obedience of a verbal command given him by the said Charles Stuarte) did proclaime the said Charles Stuarte Kinge of England at Warrington in the county of Lancaster.

4. To the fourth article hee the said Earle answ^reth and saith that after his said comeinge from the said Charles Stuarte at Northw^ch and returne into Lancashire, hee the said Earle did raise forces and gave commissions to severall persons for the raiseinge of forces in Lancashire, and amongst others to S^r Thomas Tildesley. And the said Earle further saith that hee with the forces he had vnd^r his command did, vpon or about the five and twentieth day of August last, ingage against and fight with the forces of the parliam^t and comonwealth of England at Wiggon, vnd^r the command of Colonell Lilburne, as he hath heard, and the said Earle saith that hee did himself actually ingage therein and receved a scarre on the face.

5. To the fifth article hee the said Earle answ^reth that immediately vpon the defeate given him and his party by the forces of the parliament and comonwealth of England at Wiggon, hee the said Earle went thence and escaped to Worcester, where hee saith hee was with the said Charles Stuarte and the Scots army before and vntil the fight and defeate their given to the said Charles

Stuarte, and afterwards thence flyinge was taken neere Newporte in Shropshire, saith hee came from Worcestr after the fight their with a party of about three thousand horse vnder the command of Lt Genrall Lesly.

The which answrs to the said articles of high treason beinge taken by the clerke of the cort, ordr was given by the cort that the same should be read to the prisonr wch was accordingly done, and the Pessidt demanded of him if he would signe the same as his answrs, to wch the said Earle answred by cravinge further time to consider thereof, wherevpon the Martiall was ordered to remove his prisonr from the barre to his lodgeinge, and after the same debated in cort, it was put to the question,

R. Whether the Earle of Derby should have any more tyme to consider of his answr to the severall articles already in open courte by him given, and what tyme, or if he shall mend or alter what hee hath formerly said or add anythinge theirunto.

Resolved vpon the said question by the said cort that the said Earle vpon the riseinge of the cort shall have a coppye of the ansr hee hath already made to the articles exhibited against him, and shall have liberty to compare ye said coppy with the originall (which the clarke of this cort is to attend him with) and shall likewise have power to add what hee shall think fitt by way of answr, soe as hee returne the same as his full answr to the said articles of charge on the morrow by tenne of the clock in the aforenoone.

The cort adiorned till the morrow morninge by eight of the clock, and after a coppy was delivered to ye said Earle and ye clarke attended him with the originall accordingly, and likewise by ordr of the cort informed him of the liberty the cort had granted him as by the said resolts last mentioned.

Att the said cort martiall the xxxth day of September 1651.

Commissrs and commission offics psent,

Collonel Humphrey Mackworth, Psidt.

Major Genrall Mitton	Colonel Tho. Croxton
Colonel Henry Bradshaw	Colonel George Twisleton

L^{t} Colonel Birkenhead	Captaine John Delves
L^{t} Colonel Finch	Captaine Edward Alcock
L^{t} Colonel Newton	Captaine Ralph Pownall
Captaine James Stopford	Captaine Richard Grantham
Captaine Samuell Smith	Captaine Edward Stelfox

Ordered by the co^{rt} that S^{r} Timothy Fetherstonhaugh shall bee brought to the barre, w^{ch} was accordingly done, and his former exãcion taken before Leif^{t} Colonel Birkenhead and Leif^{t} Colonel Gerrard shewed him therevpon, who (haveing liberty by the court) read the same, w^{ch} is as followeth.

S^{r} Timothy Fetherstonhaugh of in the county of Cumberland knight beinge examined confesseth and saith that he was a colonell in the service of the late Kinge (haveinge been a servant to him and his father for twenty yeares before) and had a regiment at York battell, but since then had noe command, after which this ex^{t} went to Ireland where he stayed in Dublin and other places as a private man for the space of almost a yeare, from thence hee came to England with a desire to make his composition with the parliam^{t}, and did agree with the commission^{rs} of Goldsmiths' hall for about a hundred and forty pounds, the moety whereof hee this ex^{t} paid, and had an ord^{r} for removeinge the sequestration of his land, the which was not obeyed by the committee of sequestration of the said county where this ex^{t} land laye, that at that tyme Duke Hambleton came with an army into England, with whom hee saith he was forced to complye, yet was onely with him in Cumberland, beinge a commission^{r} of array for that county with the rest of the gentlemen of that county w^{ch} have since compounded. And shortly after Duke Hambleton was routed this ex^{t} went into Holland where hee was with the now kinge of Scotts for almost a yeare, from whence hee went to France and thence back againe to Holland, from thence through Scotland to the Isle of Mann where he lived as a private man in Douglas towne their for the space of three quarters of a yeare, in w^{ch} tyme y^{e} Scott kinge came to Scotland to which place this ex^{t} therevpon went, and at his comeinge thither was by the presbiterian party their bannished, yet hee notwithstand-

ing lived their privately vntil the said Scotts kinge with an army came into England with whom this ex^t^ came but had noe command or armes save a sword, in which army this ex^t^ continued till they came on this side Northwich, whence hee returned thence and fell into company with the Earle of Derby at Warrington and stayed their one night, and went with the said Earle of Derby and his party to Preston where he saith hee is able to prove hee made a vow hee would never beare armes, and was theirfore called a mutineer, and had thought to goe home but the Lord Witherington and his party would not permitt him soe to doe. And theirvpon this examin^t^ went to Wiggan with the said partye, whence he before the battell their the xxv^th^ of August last, left him, and intending to goe home was, on his way thither, taken at Leah[72] in Lancashire a prison^r^ without any armes. And this ex^t^ further saith, beinge exãnied theirvnto, that the Lord Dacres haveinge seized some of this ex^ts^ land wrongfully as hee conceaves and beinge in conferrence with him hee y^e^ said Lord Dacre magnifyed the Presbiterian party, and said wee will shatter this army to pieces (meaneinge the army then on foote for the parliam^t^.) And this ex^t^ saith that discourse was soe had a little before the late Kinge was taken from Holmby, saith further, beinge examined theirvnto that hee took Charles Stuarte to be Kinge of Scotland but wheter Kinge of England or noe hee left it to the event. Saith that vpon the Scott kinge his comeinge to England hee lay at Carleton in Cumberland, and Mr. Carbey was with him their at his owne house, being then and before a prison^r^ and iuioyned by the parliam^t^ to keepe home. Saith hee knoweth nothinge of any forraigne contribution to y^e^ Scott kinge nor of any horse money or other assistance afforded by any in Cumberland or Lancashire to the said Scotts kinge nor any thinge concerninge the same, and saith hee hath not been in England for the space of three yeares.

[*Sic*] Signat^e^ T^r^ FETHERSTONHAUGH.

Afterwards beinge demanded by the p̄sid^t^ if that were his

[72] Leigh—'Leah' is still the vernacular.

examination and whether any thinge were altered since the takeinge theirof and his subscribeinge his name theirvnto, hee answers that the same is his examination and that nothinge is altered theirof since hee signed y^e^ same; theirvpon order was given by the co^rt^ that the clarke of y^e^ co^rt^ should reade to y^e^ prison^r^ the articles of high treason exhibited against him, w^ch^ was accordingly done, and is as followeth.

Articles exhibited against S^r^ Timothy Fetherstonhaugh knight, the xxx^th^ day of September 1651 at a co^rt^ martiall held at Westchester by virtue of a commission from his ex^ly^ the Lord Gen^rall Cromwell, by virtue of and grounded upon an acte of parliam^t^ made the 12^th^ of August last, intituled an acte prohibiting correspondency with Charles Stuarte or his party.

1. That the said S^r^ Timothy Fetherstonhaugh since the twelfth of August last and before the fourth of September then next following, was present with aidinge, assistinge abbettinge and adherringe to Charles Stuarte, late command^r^ of the Scottish army, a declared traytor and enemy to the commonwealth of England, had lately invaded this comonwealth of England and invaded the same with the said declared traytor and enemy Charles Stuarte and his said army.

2. That afterwards hee, the said S^r^ Timothy Fetherstonhaugh, did ioyn with assist and was p^r^sent in armes with James Earle of Derby in the countyes of Chester and Lancaster, which said Earle of Derby had then raised, and [had] with him an army of horse and foote raised by the command and for the service of the said Charles Stuarte the said declared traytor and enemy to the commonwealth of England, all w^ch^ the said S^r^ Timothy Fetherstonhaugh hath done contrary to his duety and allegiance, and contrary to severall acts of parliam^t^ in that case made and provided.

To w^ch^ the said S^r^ Timothy Fetherstonhaugh sev^r^ally answ^r^eth as followeth.

1. To the first article hee saith that hee did come as a follower of the Scott kinge his army out of Scotland to England, but with intent to make friend for peace (as he saith) with the parliam^t^, and

without any armes or command. Saith, he continued following the said army till they came neere to Northwich in Cheshire and that hee is a Cumberland man and had noe commission but had sworne to beare noe armes.

2. As to the second article hee saith that hee did returne back from the said Charles Stuarte on this syde Northwich, and went thence towards Lancashire, and in Warrington saw the Earle of Derby and saluted him for his many favo^{rs} before receved, with whom and his party hee went to Preston in the said county, where he saith hee made a vow hee would never take up armes but would goe, and was theirfore called a mutineer, but saith that the Lord Witherington and S^{r} Thomas Tildesley came to his bedside and caused him to goe with them and the said Earle of Derby, to Wiggon, from whence about an hour or two before the fight their the xxvth of August last, hee went and was taken at Leah in Lancashire.

To this ans^{r} he subscribed his name in this manner. { T^{Y} FETHERSTONHAUGH.

Vpon his the said S^{r} Timothy his signeinge and deliveringe in his said ans^{r} to y^{e} said articles of charge hee the said S^{r} Timothy delived into the co^{rt} a certificate vnd^{r} y^{e} hand of Mr. John Lowther w^{ch}, by comand of the co^{rt}, was read and is as followeth.

Whereas I hear that it is informed by a petition to the state of England that I should have ridd in armes with S^{r} Tymothy Fetherstonhaugh or beene desired to ride with him, it is a mistake and not true, for I never ridd with him nor was desired to ride with him, neither had the said S^{r} Tymothy either horse or armes. And I heard the said Sir Tymothy solemly professe that he would bearr noe armes. In witness of this truth, to all it may concerne, I have sett my hand this xivth day of September 1651.

[*Sic*] Signat^{o} JOHN LOWTHER.

After the certificate before mentioned was openly read, as aforesaid, the said S^{r} Tymothy moved the co^{rt} that severall prison^{rs} in y^{e} prison of Chester, namely, Colonel Baynes, M^{r}

Senhouse, Mr Lowther, Thomas Graham, Tho. Grindell, and Mr Vincent might be examined on his behalfe. Wherevpon the prisonr was ordered to be removed from the barre and his request theirvpon debated in cort, and afterwards put to ye question —

Whether the persons Sr Timothy Fetherstonhaugh pretends to be materiall wittnesses for him (beinge prisonrs with him) shallbee examined for him or noe, and if they must, then, whether in cort or noe.

Resolved by the major parte of ye cort vpon the question that the said prisonrs shallbee examined in open cort as witnesses as to what they can say on ye behalfe of the said Sr Tymothy Fetherstonhaugh, or against him, and that they be brought against the sittinge of the cort in ye afternoone, and order was given accordingly.

The cort ordered that the Marshall should bringe Captaine John Bendbow, his prisoner, to the barre, wch beinge done the president of the cort acquainted him with the cause thereof, and that he was to answr severall articles of charge of high treason exhibited against him on ye behalfe of the commonwealth of England, the wch beinge delivered into cort, ye clark was ordered to read them openly to ye prisoner, and they are as followeth.

Articles exhibited against Captaine John Benbow the 30th day of September 1651 at a cort martiall held at Westchester by virtue of a commission from his excellency Lord Genrall Cromwell, granted by virtue of and grounded vpon an act of parliamt made, ye twelfth day of August 1651, intituled an Acte prohibiteinge correspondency with Charles Stuarte or his party.

1. That the said Captaine Benbow did heretofore serve the parliamt durringe the late King's life, and that since the twelfth of August last and before the fourth day of September last, vpon the approach of the army vnder ye comand of Charles Stuarte (a declared traytor and enemy to the comonwealth of England) into the

said coñonwealth of England, beinge then in or neere Namptwich in the county of Chester, did goe from Shrewsbury where he then inhabited, to the said declared traytor and enemy Charles Stuart, and for the carryinge on of his designe and warr against the parliam^{t} and coñonwealth of England. And that hee the said Captaine Benbow before his goeing from Shrewsburye aforesaid, had notice that the said Charles Stuarte and all his adherents were proclaimed traytors against the commonwealth of England.

2. That hee the said Captaine Benbow in pursuance of his said commission did issue out warrants und^{r} his hand into diverse places and townes in the said county of Salop and elsewhere, to the respective constables thereof, for the raisinge of horse arms to compleat his regiment.

3. That hee the said Captaine Benbow was present aydinge abettinge and assistinge to the said declared traitor and enemy Charles Stuart and his party, in Newport, Drayton, and Bridgnorth in the county of Salop, when hee the said Charles Stuart a declared traitor and enemy to the said coñonwealth of England, was proclaimed kinge thereof. And did at Bridgnorth (when hee the said Captaine Benbow commanded a party vnd^{r} the command of the said declared traitor and enemy Charles Stuart) cause him the said Charles Stuart, a declared traytor and enemy to the coñonwealth of England, to be their proclaimed kinge thereof. And that hee the said Captaine Benbow at Bridgnorth aforesaid in the county aforesaid, did take or cause to bee taken severall persons belonginge to the militia of that county and carry them prison^{rs} vnto Worcester where the king of Scotts the said declared traytor and enemy, Charles Stuart, and his army were resident and quartered.

4. That hee the said Captaine Benbow was at Worcester with y^{e} said declared traytor and enemy Charles Stuart and his armye and with them did charge the parliam^{t} forces their, wheere hee was taken prisoner in arms, and had continued and marched with the said declared traytor and enemy Charles Stuart ꝑ his army till hee was taken as aforesaid. All which the said Captaine John Bendbow

hath done contrary to his duty and allegiance, and contrary to severall acts of parliament in that case made and provided.

To which the said Captaine Benbow severally answ^reth as followeth beinge examined by y^e P̄sid^t

1. To the first article he saith that hee did heretofore serve the parliament against the forces of the late kinge, but afterwards since then had noe imployment for them, but lived in Shrewsbury, till on Munday the eighteenth day of August last hee, the said Captaine Benbow, came to Namptwich where Charles Stuart and the Scott army were, and beinge brought by Colonel Wogan into the presence of the said Charles Stuart hee had a commission granted him from him to raise for his the said Charles Stuart's assistance, against the forces of the parliam^t and commonwealth of England, a regiment of horse and the said Captaine Benbow to be colonel of them. Saith that hee in pursuance of that commission soe granted him did raise about thirty horse but gave noe commissions for captains or other officers, not haveinge tyme as hee saith soe to doe, denyes hee knew or heard before comeinge from Shrewsbury that the said Charles Stuart and his adherents were ever by acte of parliament proclaimed trayto^rs.

2. To the second article hee saith that in pursuance and by virtue of the commission soe given him y^e said Captaine Benbow by the said Charles Stuart as aforesaid, hee did vnd^r his owne hand issue out warrants to severall constables in Shropshire for the raiseinge of severall men with horse and armes to bee enlisted in his regiment for the service of the said Charles Stuart.

3. To the third article hee saith that hee marched with the said Charles Stuart from Namptwich to Worcester, but denyes that hee or any in his presence or to his knowledge did proclaime the said Charles Stuart to be kinge of England in Bridgnorth Newport or any other place, but confesseth that hee was sent to Bridgnorth with a party of horse by ord^r from the said Charles Stuart, and thither accordingly goeinge, tooke severall that were in the service of the parlam^t and co̅monwealth of England, prisoners.

4. To the fourth article, hee saith as before hee hath said, that

hee was with the said Charles Stuart at Worcester, but was not in the fight, nor vpon any service durringe the tyme the said Charles Stuart staid in Worcester, only staid with him and his army in the citty, and after the fight was taken prisoner by Major Gen^rall Lambert's party, and had quarter given him for his life with severall others, and conditions made for that purpose with Major Generall Lambert, as hee says, but knows not whether the Major Gen^rall were there or noe, saith that quarter was soe granted them in the night tyme by words onely and not by writeinge.

To his ans^r hee subscribed his name in this manner. } JOHN BENBOW.

Whereupon order was given to the martiall to remove his prisoner from the barr and theirvpon the presid^t in order to further proceeding acquainted the co^rt that forasmuch as the Earle of Derby did last night move to have counsell to speak for him in the case of high treason alleged against him, it should be considered what answ^r to give before the said Earle were brought to the barre, w^ch was debated accordingly, at first whether the said Earle should have liberty of haveinge counsell in open court to speake for him or noe, and if not to speak for him, then, whether hee may not have counsell privately to advise him in the case alleged, and seinge it was positively adjudged by the co^rt and soe expressed by the presid^t that hee should have noe counsell to plead for him it was put to the question—

Whether the said Earle of Derby shall have liberty of counsell privately or noe.

Resolved vpon the said question by the said co^rt that the said Earle of Derby (if hee againe vrge it) should have liberty of haveinge the advise of such counsell as the co^rt shall appoynt, privately to conferr with him as to matters concerninge the act of the 12^th^ of August last, till the morrow morninge by nyne of the clock, at or before which tyme hee shall fully informe the co^rt what hee hath to say for himselfe.

The Martiall ordered theirvpon to bringe the said Earle of

Derby, his prison^r^, to the barre, w^ch^ beinge done the president demanded of him what hee had further to urge the co^rt^ on his behalfe, before they consider of his ans^r^ to the articles, and soe proceed to sentence, he answ^rs^ the court and craves lib^ty^ of counsell, and in answ^r^ thereof the p^sid^t acquainted him with the resolves aforesaid, of haveing lib^ty^ to have the private advice of a councellor, and vppon his own nameinge assigned to him M^r^ Zanthy, a lawyer, in this citty, and the said Earle desiring that his councell might have a coppy of the Articles of Charge exhibited against him, it was ordered by the court that the clarke of y^e^ co^rt^ should attend the said M^r^ Zanthy, and permitt him to have a sight of them onely, and the said Earle to have a printed coppy of y^e^ said act.

The said Earle haveinge his answ^r^ to y^e^ Articles of Charge against him openly read, he acknowledged the same to bee his answ^r^, onely craved to add thus much, that he never knew nor heard of the acte of the 12^th^ of August last, whereby Charles Stuart and his adherents are adiudged traitors to y^e^ comonwealth of England, till hee, y^e^ said Earle saw y^e^ same mentioned in the Articles of Charge exhibited against him yesterday, and that hee, y^e^ said Earle was in the Isle of Man at y^e^ tyme of the makeinge of the said acte, as by the date thereof appeareth.—DERBY.

Afterwards the said Earle beinge ordered to withdraw, it was debated and put to y^e^ question—

What tyme y^e^ said Earle of Derby shall have to speak for himselfe before he be restrained from pleadinge any more for himselfe, and before the sentence be considered of against him.

Resolved by the said co^rt^ martiall, none contradicting, that the said Earle have lib^ty^ till to-morrow morninge by nyne of y^e^ clock, at or before w^ch^ tyme hee shall fully informe the co^rt^ what hee hath to say for himselfe, and afterwards be debarred.

In the afternoon the co^rt^ adiourned, a motion beinge made on behalfe of y^e^ said Earle to have S^r^ Maurice Enslow or S^r^ Rob^t^ Brerewood for counsell insted of M^r^ Zancthy, it was put to y^e^ question and resolved in y^e^ neggative.

Y^e^ witnesses desired to be examined on behalfe of S^r^ Timothy Fetherstonhaugh beinge produced, were examined, and their examination in his behalfe taken and signed by them, and are as followeth:

Francis Baynes, esq.,[73] a prison^r^, beinge examined on the behalfe of S^r^ Timothy Fetherstonhaugh, likewise a prison^r^, saith, hee, this ex^t^ was borne in Lancashire, and was never acquainted with the said S^r^ Timothy till a little before this expedition with w^ch^ said S^r^ Timothy and the Scott kinge and army this ex^t^ came, and the said S^r^ Timothy marched alonge with the army till they came neere Northwich, in Cheshire, from whence he the said S^r^ Timothy to this ex^ts^ knowledge went backe to Warrington, and this ex^t^ with him, and the Earle of Derby was there at the same tyme, in which place the said S^r^ Timothy and this ex^t^ staid from Munday till Wednesday, and vpon the Earle of Derbies march thence, the said S^r^ Timothy and this ex^t^ marched with him to Preston, and not farre from Preston this ex^t^ heard the said S^r^ Timothy say and affirme that hee would never beare armes more; saith, hee the said S^r^ Timothy had noe command, nor had any armes at all except a sword, and of that he is uncertaine, saith that hee knoweth that Charles Stuart, in the tyme ex^t^ and the said S^r^ Timothy were at Warrington, was proclaimed Kinge of Great Brittaine.

FRAN: BAINES.

John Senhouse, gent,[74] a prison^r^ examined on behalfe of S^r^ Timothy Fetherstonhaugh, saith hee saw the said S^r^ Timothy at Northwich, in Cheshire, and thinks hee went back into Lancshire, and this ex^t^ came to Lancashire, and found him neere Preston with the Earle of Derbies party, and tould him that hee was goinge

[73] He was descended from the Baines's, of Sellett, a family of good standing in the parish of Whittington, in North Lancashire. *Lanc. MSS.*, vol. Wills.

[74] Son and heir of John Senhouse of Seascale hall, in the county of Cumberland, esq., and of his wife Mary, daughter of William Fleming of Rydall, esq. He married Anne, daughter and co-heiress of John Simpson of Shevington in the county of Lancaster, gent., and was father of Wrightington Senhouse, esq., who was to have been one of the knights of the royal oak at the Restoration.

home, and the said S^r^ Timothy said hee would goe with this ex^t^, and then moveinge the Lord Witherington to that purpose, hee called this ex^t^ and the said S^r^ Timothy mutineers, saith further, that they were resolved to have gone home, and had soe done if the Earle of Derbies army had not marched speedily, saith that S^r^ Timothy was quartered at Ribblebridge, neere to the Lord Witherington's quart^rs^, saith that the said S^r^ Timothy had noe armes at all as this ex^t^ knoweth of. JOHN SENHOUSE.

Thomas Graham, a prison^r^, saith hee saw S^r^ Timothy Fetherstonhaugh in the Scott king's army severall tymes in Scotland, and vpon their comeinge to England, and march there till they came to Warrington, saith hee knoweth not that hee had any command therein, and this ex^t^ saw him at Preston, and heard the said S^r^ Timothy Fetherstonhaugh say hee had a desire to goe home, and was therefore in y^e^ Earle of Derbies army named for a mutineer, saith he had taken leave with the Lord Witherington and S^r^ Thomas Tildesley, and was gone to his bed at a house neere a bridge neere Preston, and after a space the Lord Witherington and S^r^ Thomas Tildesley came to the said house and desired the said S^r^ Timothy to gett out of his bed, for they had a designe to goe forth that night, and desired him to goe with them, vnto which the said S^r^ Timothy answ^r^ed that hee was vnable for service, and if hee were forced out of bed should bee dead, saith that S^r^ Timothy had noe command, and thinks hee only followed the court.[75]

Richard Vincent, gent, examined on behalfe of S^r^ Timothy Fetherstonhaugh, saith that he never was acquainted with the said S^r^ Timothy till here in prison, nor ever exchanged two words with him before in all his life tyme, nor doeth remember that ever hee saw him in y^e^ army, but heard that such a man there was, and furth^r^ saith not. RICHARD VINCENT.

Thomas Grindall, a serv^nt^ to S^r^ Timothy Fetherstonhaugh, and

[75] The signature is not annexed.

prison[r], examined on his behalfe, saith that hee, this ex[t], was not with his said m[r] in Scotland, but waited on his lady at home, saith that after his m[r] and the Scott kinge and army marched in England this ex[t] came after the said S[r] Timothy, and found him at Perth, in the Scott kings army, with whom this ex[t] went alonge from thence to Northwich, in Cheshire, and there the said S[r] Timothy tooke leave with the Scott kings army, and went back to Warrington, where hee found some of the forces of the Earle of Derby, with whom he staid in Warrington for the space of three days, and after with them went to Preston and quartered in the towne over against the crosse, and there staid soe longe as the army was there, for hee saith they would not suffer the said S[r] Timothy toe goe thence, but saith that afterwards the said S[r] Timothy did remove to another house at y[e] bridge end, at which place the Lord Witherington and S[r] Thomas Tildesley came to the said S[r] Timothy when hee was in bed, and would have him to goe with them, the which hee refuseinge they said they would call him to a councell of warre as a mutineer, saith that therevppon the said S[r] Timothy did goe with them, hee went with the army to Wiggon, where hee staid till a little before the fight, and after taken prison[r] at Leah, saith furth[r] that the said S[r] Timothy had noe armes save a walkinge rapier, and did ride ꝙu a horse not worth xl[s]. THOMAS GRINDALL.

Att the sittinge of y[e] said Court Martiall the first day of October 1651.

Comm[r] and commission offic[rs] ꝑssn[t]:
Colonel Mackworth, ꝑsid[t], affirmative.

Major Gen[l] Mytton, aff.	Cap[t] Samuel Smith, aff.
Colonel Rob[t] Duckenfeild, aff.	Cap[t] John Downes, aff.
Colonel Thomas Croxton, aff.	Cap[t] John Delves, neggative.
Colonel George Twisleton, neggative.	Cap[t] Edward Alcock, aff.
Colonel Bradshaw, aff.	Cap[t] Richard Grantham, aff.
L[t] Coll Birkenhead, aff.	Cap[t] Ralph Pownall, aff.
L[t] Coll Newton, aff.	Cap[t] Edward Stelfox, aff.
Captain James Stopford, aff.	Cap[t] Thomas Partington, aff.

The Earle of Derby was orded to bee brought to y^e^ barre, where hee vrged for himselfe, and declared the nature of a court martiall, the ord^r^ and axioms thereof as farre as concernes his owne case. Pleads that quarter for life was given him by Captain Edge, the which hee saith hee is able to prove, that though the parliam^t^ is the foundation of the court yet it is lymited as a court martiall, the acte gives noe new rules. That the pleas incident to a court martial are to bee heard: that a sentence pronounced by a co^rt^ martiall is stronge and noe appeale to be made afterwards. That hee is the first man tryed by a court martiall after quarter given. That it was adiudged at the tryall of y^e^ Earle of Cambridge, and hee tryed by a civil co^rt^, the High Court of Justice, w^ch^ was noe court martiall, but hee must in this case adhere to the lawes of warre because hee was tryed by a court martiall, and therefore saith that promises made by command are inviolable. That promises made by y^e^ meanest souldier are as good and strong as of y^e^ generall, then he answ̃ed a question, w^ch^ question was, if soe, then every souldier may pardon treason, his answ^r^ was, as to a court martiall they may, and the court martiall hath not power to nullify the quarter given by souldiers, hee pleads he is a stranger to all the acts of parliam^t^, particularly the act of the twelfth of August last, and said that y^e^ acte doth not express y^e^ Isle of Man, and he was not likely to know acts since hee came to England, and insists as his plea that quarter was given him as aforesaid, and appeals to the Lord Generall Cromwell.

Afterwards he was ordered to remove, and his allegations and pleas at barre debated, and the authority of y^e^ co^rt^ and the ensueinge question agreed to be put.

2. Whether this court ought to proceed to sentence vpon the Earle of Derby accordinge to y^e^ act of the 12^th^ of August last, notwithstandinge his plea of quarter bee true.

Resolved vppon the said question by all the court saveinge Coll Twisleton and Captain Delves, that this court ought to proceed to sentence vppon the Earle of Derby vpon the acte of the 12^th^ of August last, notwithstandinge his plea of quarter were admitted true.

Colł Twisleton desires his vote to be entered in y^e^ neggative and recorded.

Resolved, that the answ^r^ of the Earle of Derby already put in to the Articles of Charge exhibited against him are sufficient as to matter of facte to ground a sentence vpon, and therefore vnnecessary to examine witnesses against him.

After it was ord̄ed that S^r^ Timothy Fetherstonhaugh should be brought before y^e^ co^rt^, who being come and desireinge the lb̄ty of haveinge councell assigned him it was vpon y^e^ question resolved as followeth:

Resolved, that S^r^ Timothy Fetherstonhaugh shall, accordinge to his desire, have liberty to have private advice of counsell such as are now in towne, and have a printed coppy of y^e^ act of the 12^th^ of August delivered him, and the clarke to attend his counsell with the Articles of Charge exhibitted ag^t^ him and his answ^rs^ therevnto, soe that hee fully inform the court by foure of the clock in the afternoone.

After it was ord̄ed that Captain Benbow should be brought to y^e^ barre, who beinge come, the p̄ssd^t^ asked him what furth^r^ he had to saye before co^rt^ consid^r^ of his sentence, he saith he had noe more save what he had said in his answ^r^, wherevpon he was ord̄ed to remove.

Y^e^ co^rt^ adjourned till afternoone.

Att the sittinge of the said Court Martiall the first day of October, in the afternoone.

Comm^rs^ & commission offic^rs^ p̄ssent.

Colł Mackworth, Presid^t^, boulton.[76]
Major Gen^l^ Mytton, boulton.
Colł Duckenfeild, Boulton.
Coll Henry Bradshaw, Manchester.
Coll Thomas Croxton, Manchester.
Colł George Twisleton, Boulton.
L^t^ Coll Birkenhead, Manchester.

[76] The town following the name of each officer is that which he voted for as the place of execution.

L^t^ Coll Finch.
L^t^ Coll Newton, Manchester.
Captain James Stopford, manchester.
Captain Samuell Smith, boulton.
Captain John Downes, boulton.
Captain Vincent Corbett, manchester.
Captain John Griffith, boulton.
Captain Thomas Partington, manchester.
Captaine Edward Alcock, manchester.
Captain Ralph Pownall, Boulton.
Captaine Richard Grantham, boulton.
Captain Edward Stelfox, behead, boulton.

The Earle of Derby brought to y^e^ barre and acknowledginge not haveing more to saye but the same he had vrged before, the which was over ruled, the martiall was orded to remove his prison^r^. Orded by the court that S^r^ Timothy Fetherstonhaugh shalbee brought to the barre, which accordingly was done, and the presid^t^ demanded of him what hee had furth^r^ to saye, who vrged as before in his answ^r^.

Resolved by the court, that the court will proceed to the sentences of them.

Wherevpon all was read concerninge them, and the ensuinge questions agreed to be put:

1. Question wheth^r^ the Earle of Derby bee guilty of the breach of the acte of parliam^t^ of the 12^th^ of August last, and if soe whether hee be worthy of death.

Resolved in the affirmative.

2. 2. What manner of death the said Earle shall have.

Resolved by the court, that the said Earle as a traytor to y^e^ commonwealth and abettor & encourager of y^e^ declared traito^rs^ thereof, shalbee put to death by severeinge his head from his bodye.

3. 2. When the said Earle shalbee put to death as aforesaid.

Resolved by the major part, for the place wheere hee shalbee put

to death shalbee at Boulton, in Lancashire,[77] the tyme the 16th day[78] of this moneth of October, for his execution at the place aforesaid.

2. Wheth[r] S[r] Timothy Fetherstonhaugh bee guilty of the breach of the acte of the 12th of August, and if soe, if worthy of death.

Resolved in the affirmative.

manner thereof, to be beheaded.

tyme, this day three weekes.

Place, Chester.

Captain Benbow, same resolution to suffer.

Resolved, hee shalbee shott at Shrewsbury the 15th day of October instant. x[d].

[77] A learned, revered and munificent churchman, amongst other noble works, erected a fine memorial window in Winwick church, and referred to this sad event in a sermon preached on the opening of the magnificent new chancel in the year 1848:—

* * * * * *

"One further window remains — a memorial of a true son of the Church, a loyal subject of the Crown, a faithful soldier of Christ — one who died in the cause of his Church, his King and his Country — one in whom this our parish claims a personal interest, and with whose blood it is an encouraging admonition to the noble race that springs from him, to be allied. James seventh Earl of Derby, foully murdered, during the great rebellion, by public execution on the scaffold at Bolton, long a Christian hero, was there glorified as a Martyr in a holy cause. Here — where doubtless, in the days of his flesh, he has worshipped and partaken of the Christian Sacrifice — here, fitly we commemorate, by the blazonry of his armorial bearings, that he was the heir of all but royal nobility; and by the record of his own last words, that in true and perfect allegiance, he was better ennobled by the King of kings. The fact recorded in the legend of that obituary window is thus handed down to us in true history. When on the scaffold (which stood in the main street of Bolton), looking toward the Church, he caused the block to be turned and laid that way, saying, 'I will look toward Thy Sanctuary while I am here, and I hope to live in Thy heavenly Sanctuary for ever hereafter.'"—(*Sermon by the Rev. James J. Hornby, M.A., rector of Winwick.* 12mo, 1848, Warrington.)

[78] See p. ccix. *ante.*

No. VIII. — (*See pp.* ccix., ccxi.)

Lord DERBY'S *Defence before the Court Martial at Chester, 1st October* 1651. — (*Knowsley MS.*, 4to vol.)

SIR, — I understand myself to be convented before you, as well by a commission from your General, as by direction of an Act of Parliament of the twelfth of August last.

To the articles [exhibited against me] I have given a full and ingenuous answer.

What may present itself for my advantage I have gained liberty to offer and urge by advice, and I doubt not but in all matter of law, the court will be to me instead of council in court.

Sir, — First I shall observe to you the nature and general order of a court martial, with the laws and actions of it as far as concerns my case, and then shall apply my plea to such orders.

And therefore I conceive (under favour) that the laws of a court martial are as the laws of nature and nations, equally binding all persons in all places military, and to be observed inviolably.

And thence it is, if a judgment be given in one court martial, there is no appeal to another court martial.

Of which law martial, the civil law gives a plentiful account, far above what the common law doth, as *Grotius De jure belli, &c.*

But because it is one only point of martial law, which I am to insist upon for my life, I shall name it, and debate the just right of it. It is quarter for life given me by Captain Edge, which I conceive to be a good bar to avoyd trial for life by a council of war.

That you are a council of war will be admitted, and being so that you must judge and proceed according to the law of war and no otherwise, cannot be denied.

That quarter was given me, if scrupled, I am ready to prove; and being given, that it is pleadable, is above dispute.

I shall only remove one objection, which is, that though this be a court martial, yet the special nature of it is directed by Parliament.

To this I answer, though the Parliament direct the trial as it is, yet it limits it to a court martial, which cannot divest itself, nor is divested of its own nature by any such direction.

For to appoint a court martial to proceed by any other laws than a court martial can, is a repugnance in *naturâ rei*.

Soe as such a court martial retains its proper laws and jurisdictions for the support of itself; so the pleas and liberties incident to it cannot be denied the prisoner.

That quarter, and such quarter as I had given me, is a good plea for life at a council of war, I shall not endeavour so much to evince by authors (that being the proper work of the learned in civil laws); but by such way as that which we call *jus gentium* is proved by common practice and strong reason.

For the first, I shall not need to bring any foreign instances, being before you, whose experiences hath made this thing familiar to you.

And I believe you will agree with me, that I am not only the first peer, but the first man tried by a court martial after quarter given, unless some matter (*ex post facto*) or subsequent to such quarter, brought them within the examination of such court martial.

And (as I am informed) upon the great trial of the Earl of Cambridge, Lord Capell, Earl of Holland, &c., the plea of quarter being strongly urged, it was only avoided upon this ground, that it was no good plea against a civil jurisdiction, there being no colour of dispute tacitly admitted and concluded, that it was a good plea against a military jurisdiction.

And though the Lord Capell and Lord Goring's quarter seemed to have some advantage, as being given by the General by way of articles, yet the quarter given to the Earl of Cambridge was given him by a particular Captain, and that quarter (as quarter considered) as strong as the other, only both avoided by the civil jurisdiction; it being a rule in war that quarter hath as much force (being given in action) as articles in a cessation, both irreversable by any military power.

And though it may be a maxim in politiques that no general or soldier's concession shall prejudice the state interest, yet they shall be bars to their power.

I confess I love the laws of peace more than those of war; yet, in this case, I must adhere to those of war.

And I would only know whether quarter was given me for a benefit or a mischief? If for benefit, I am now to have it made good; if for mischief, it destroys the faith of men in arms.

And I have read this for a maxim of war, that promises made by Kings or State Commanders ought to be observed inviolably, else there will never be any yielding.

And I shall lay this before you as a rule, that quarter given by the meanest soldier (if not forbidden) obliges as far as if the General had done it.

It may be objected, then, that it may rest in the power of any private soldier by giving quarter, to pardon treason.

To this I say, I plead it not as an absolute pardon, but as a bar to a court martial. I shall infer further from conclusion of treason.

The profession of a soldier hath danger enough in it, and he needs not to add any to destroy the right of arms.

I am before you as a court martial; it may be that some or most of you have in some action or other since these troubles began received quarter for your lives; and would it not be hard measure that any court martial should try you afterwards?

If this quarter be foiled or nulled, all the treaties, articles, terms or conclusions since the warrs began may be examinable by any subsequent court martial.

Nay by this, the sword, the law of arms, all military interest and your own safety, is judged and jeoparded as well as mine.

But I shall not multiply, presuming you will judge by laws of war, in which capacity only you sit; and that you will in religion and justice allow that plea, which is universally, even in all parts of the world, allowable.

If you be dissatisfied, I pray (that as an essential to justice) I

may have a Doctor of the Civil Laws assigned, or at least liberty to produce their books of opinions; and that in the interim you suspend your sentence.

Touching my levying of forces in the Isle of Man, and invading England, I might plead myself (and that truly) a stranger to all the acts for treason; and in particular to the act of the twelfth of August. And that the Isle of Man is not particularly named in any of the Acts touching treason; and being not particularly named, those acts reach not nor bind those of the island.

And especially, that I was in the Isle of Man when the last Act was made; and the law looks not backward: and whilst I was in England I was under an unlikelihood and impossibility of knowing the new acts, (and in martial law, *ignorantia juris*, is a good plea,) which I leave to judgment; having, as to the matter of fact, confessed, and submitted to the Parliament's mercie.

I do, as to your military power, earnestly plead quarter, as a bar to your further trial of me; and doubt not but you will deeply weigh a point so considerable both to your own consciences and concernments, before you proceed to sentence, and admit my appeal to his Excellency, the Lord General Cromwell, in this single point.

I am, &c.

No. IX. — (*See pp.* ccxlviii., cclvii.)

Narrative of the (alleged) conversion of Lord DERBY *by Father* NORRIS *alias* CLIFTON.

WE are indebted to the courtesy of the Right Reverend Bishop Goss for the following Latin narrative, which is taken from a transcript kept at Stonyhurst college, the original being, as stated, in the archives of the fathers of the Society of Jesus, at Rome. It contains an account of an alleged conversion of James earl of Derby to the Roman Catholic faith, while on his way to Bolton, by the Rev. Cuthbert Norris *alias* Clifton, S.J., and has never, as far as we are informed, been printed before. An English transla-

tion, which we have given underneath, was however furnished by the Rev. George Oliver, D.D., of Exeter, to a periodical entitled *The Catholic Miscellany*, in the No. of which for December 1827, it will be found. In what we are called upon to observe, as to the historical value of this document, we are sure it will not be thought that the slightest disrespect is intended to the learned and eminent ecclesiastic from whom we derived it.

This narrative appears to fail in the great conditions, without the fulfilment of which no similar document can carry any weight, or be entitled to be received in evidence at all. The individual claiming to have accomplished the conversion should be one of well-known and established character and credit; the statement by him should be authenticated by his own handwriting, not reported at second hand; and it should be shown that the amplest publicity was given to the account of the conversion at the time when it took place, or sufficiently near to it, to afford to contemporaries an opportunity of examination and contradiction. In the absence of these essentials, such a narrative may be published as a "*Literary Curiosity*," but cannot be accepted amongst the legitimate materials of biography, or affect in the slightest degree the character of the great historical personage to whom it refers. Unsupported as the statements contained in this remarkable document are by a single particle of corroborative evidence—contradictory as they are to the writings, declarations and all the principles which regulated the earl's conduct—outraging probability as they do in the extremest degree, when considered with reference to the time, the manner and the circumstances of the alleged conversion—this attempt to enroll a distinguished Protestant name under the banner of the Roman Catholic church, may fairly be dismissed as undeserving of serious or deliberate refutation. To dissect the account, and show how utterly worthless it is and how perfectly incredible the statements are, would be investing it with an importance which, whether viewed from the point of external or of internal evidence, it assuredly does not possess. Johnson's well-known line,

"In life's last scene what prodigies surprise,"

would indeed receive its most striking illustration, if the noble au-

thor, whose most secret thoughts we have placed before the public, after years of well-weighed conviction and attentive study, were found to have ultimately surrendered the citadel of his faith to an obscure challenger on the first blast of his trumpet. It must be on very different evidence to that which the statement, attributed to father Norris, affords that the Church of England will consent to withdraw, from the number of those who have died in her faith and steadfastly adhered to her communion, the honoured name of James seventh earl of Derby.

ANNO 1652[79] memorabilis admodum licet minime nota in vulgus, fuit conversio Jacobi Stanlæi, Comitis Darbiensis, è prima Angliæ nobilitate, qui quod in Regiâ causâ milites sub signis collegisset, a Parliamentariis captus, capitis damnatus est. Cum autem dierum aliquot itinere, ad destinatum supplicio locum, frequenti satellitio duceretur, P. Cuthbertus Norris (Cliftonus), beneficio cujusdam amici apud satellitii duces admodum gratiosi, impetravit ut posset illum de gemmâ ingentis pretii (de qua aliquid suis ante obitum mandare, si non comitis certe familiæ ac propinquorum ipsius plurimum interesset) paucis affari. Admissus vesperi in cubiculum, cum custodibus dixisset, negotium quo de

[*Translation.*]

"In the year 1651 happened the wonderful conversion (though the fact was a secret to the public) of James Stanley Earl of Derby, one of the principal English noblemen who was taken prisoner and sentenced to lose his head for levying troops in support of the royal cause. Though accompanied by a strong military escort to the town marked for his execution, F. Cuthbert Clifton (who passed by the name of Norris) obtained permission, through the interest of a friend, to wait upon the earl, and receive his instructions about a jewel of considerable value, the disposal of which must be of importance to his family. Arriving at the place where the cavalcade was to halt for the night, he requested to be favoured

[79] So in the Stonyhurst transcript: no doubt a clerical error for 1651. — *Dr. Gosse.*

acturus esset, vacuum ab arbitris postulare locum; postridie mane redire jussus est. Cum ad tempus præsto esset, et horas aliquot præstolaretur alloquendi facultatem, custode scilicet, ut videtur, consulto nectente moras et eludente suspecti hospitis expectationem; renunciatum tandem est effluxisse jam colloquii tempus, propere conscensis equis, abeundum esse: quod si (quid clam comiti) dictum vellet, non defore in ipso itinere secretæ confabulationis copiam. Imminens occasioni pater, quam potest proxime comitem obequitat; quem ille tandem conspicatus blandè ad se invitat, et "quæ illa, die sodes, tula [*sic*] est," inquit, "Dñe Norris?" Hoc enim sibi nomen pridie indiderat. Hic cum se propius applicuisset Pater, quæ gemma illa esset, de quâ tantopere conventum ipsum cupiebat: declaravit non esse aliam quam ipsiusmet animam, margaritam utique de Xti sanguine pretiosam in cælestis Regis thesauros, modo sanâ fide et salutari pœnitentiâ perpoliatur, brevi recondendam. Enimvero hoc ipsum, inquit, heri vespere suspicabar cum de gemmâ mecum acturum diceres. Et sane illustri

[*Translation.*]

with a private room to settle his business with the earl without interruption; but though his attendance was notified to his lordship he was desired by the officer on duty to defer his interview till an early hour the next morning. F. Norris was exact to his time, but after waiting some hours for the opportunity of an interview, he was at length told by the officer commanding that the time was gone by; that the procession was on the point of starting; that if he had a mind to say anything in private to the earl he would have sufficient opportunity on the march. F. Norris, eager to avail himself of the occasion, rides up to the earl, who welcomed him in the kindest manner, and said: 'Well, Mr. Norris, what is this affair about the jewel?' Keeping close to his lordship, he explained that this jewel was nothing else than his soul, redeemed by the blood of Christ, and which was soon to be deposited with the treasures of the heavenly King, provided it were polished with the true faith and salutary repentance. 'Indeed,' said the earl,

admodum gratiâ hoc Patris factum excepit, qui tanto suo periculo alienæ saluti consultum cuperet. Verum illo pressius agente atque impensius instante, ut Cath. Ecclesiæ quam primum se aggregaret, credere se quidem, ait, in Sanctissimam Trinitatem, colere ac venerari B. Dei Genetricem, cæterosque cælites, pro explorato habere Purgatorium esse; optime quoque animatum et affectum esse erga Cath. et Rom. fidem; denique Catholicorum quidem omnium generatim atque universe, nonnullorum etiam sigillatim preces ac pia vota implorasse; statuisse etiam si vita suppeteret ad inquisitionem et investigationem veri, se totum conferre. Cæterum, sibi videri Catholicos et Protestantes, præcipuis fidei decretis congruentes, paululis sententiis non ita valde ad salutem necessariis dissentire. Neque vero sibi esse integrum, patriam disciplinam a se omni vitâ religiosè cultam cum peregrinâ, supremo fere vitæ momento, subito commutare: hoc ipsius responsum cum accuratâ, sed ob interequitantes frequenter satellites, interrupta frequenter

[*Translation.*]

'I suspected this to be the case when your message was reported;' and he expressed himself highly obliged to the Rev. Father for exposing himself to such inconvenience and danger for the salvation of his soul. As the father urged and pressed him to join the Catholic communion, his lordship assured him that he believed the mystery of the Trinity; that he respected and venerated the blessed Mother of Christ, and the other saints; that he was satisfied of the truth of purgatory; that he was well disposed and inclined to the Catholic creed; that he had requested generally the prayers of Catholics, and had specially solicited the mementos of some of his Catholic friends; that he had determined if life had been spared to have devoted his time to investigate the grounds of religion, but that it appeared to him that Protestants and Catholics, agreeing in fundamentals, were divided in a few points only, not so necessary for salvation, and that he was hardly at liberty to change the religion which he had followed from infancy for another in the last moment of life.

oratione diluisset Pater, animadvertit ministellum, Comitis in rebus sacris curatorem, qui in oppido, digressis reliquis, aliquandiu substiterat, admisso equo advolantem, ut se Dñi sui lateri admoveret. Quare etiam atque etiam obtestatus Comitem ut a Deo per acerbissimos charissimi Filii cruciatus, agnoscendo et amplectendo vero gratiam et lumen peteret, ad intermissum de gemmâ sermonem, fallendi causâ, delabitur. Sed mox tanta famulorum militumque affluxit turba, varia ac diversa colloquia miscentium, ut Norrisius longius submoveretur; qui non ideo despondet animum sed spem inter et metum, rem Deo et Sanctis tacitus commendans subsequitur. Jamque mille passuum Boultono aberant (oppidi nomen est cui continuus erat destinatus supplicio locus) cum Comes circumspectans, Norrisium inclamat; exceptâ a militibus voce, et submotâ turbâ adequitat Norrisius; quem Comes, professus se ger-

[*Translation.*]

"The good father, notwithstanding the interruptions of the horsemen occasionally riding between them, succeeded in solving these objections and difficulties, when he perceived his lordship's chaplain (who for some reason or other had remained behind in the town, whence the procession had started) now advancing at full speed to join his lordship; and he then redoubled his earnestness, and conjured his lordship to implore light and grace of the Almighty, through the bitter torments of his beloved Son, to know and embrace the truth; and then resumed the conversation on the jewel. Soon after the pressure of servants and soldiers became so great that F. Norris was separated at some distance. Still he was not dejected, but between hope and fear he followed behind, silently commending the business to God and his angels.

"There was now but one mile from Bolton,[80] when the earl, looking round, called out for Mr. Norris. The word was passed on by the soldiers; an opening was formed; Mr. Norris comes up; and the earl professes himself to be a true Catholic, and ready to make

[80] Leigh is distant six miles from Bolton.

manissimum Catholicum, paratum omnia peccata confiteri et impositam pœnitentiæ nomine quamlibet subire mulctam, infimis precibus absolutionem flagitat. Peractis rebus omnibus necessariis, quantum scilicet per illas quà temporis quà loci licebat angustias, cum in eo jam esset Pater ut sacram formulam pronunciaret, Comes pileum sibi, tantâ illâ circumfusâ turbâ, detrahit; apertoque mansisset capite nisi Pater magnopere contendisset rursus se ut legeret. Expiatis peccatis, jucundo et læto vultu, filio comitibusque se reddit. Ingressurus oppidum, conspecto ferali pegmate, leniter arridens, "Agnosco," inquit, "crucem meam, et volens ac libens amplector." In ipso oppido, horam circiter solus in conclavi vacavit precibus, dimissis a se filio, famulis, atque adeo ipso ministello, qui simul oraturi genua fixerant, rogans ut se sibi ac Deo permitterent. Absolutâ non sine sudore oratione, palam omnibus dixit, immensas habere Dñnæ Bonitati gratias, quæ sibi tempus indulsisset conscientiæ ante mortem rite procurandæ; quod idem iterum aut

[*Translation.*]

a general confession, and to do everything in his power by way of penance; and most earnestly requested the benefit of absolution. Everything was completed as well as time would permit. In the presence of the surrounding multitude the earl takes off his hat, and would have publicly remained with his head uncovered whilst the father pronounced the form of absolution if the latter had not insisted that he should refrain from doing so. Having now received absolution he rejoined his son (Lord Strange) and suite with a pleasant and joyful countenance. Entering the town, his lordship beheld the scaffold, and said with a smile, 'There is my cross, and I willingly and cheerfully embrace it.' Dismissing his son, servants, and chaplain, who had knelt down in a room for the purpose of praying with him, he requested to be left to God and himself. After finishing an hour's prayer he came forth, and declared to the assembled multitude that he was infinitely indebted to the divine bounty for having given him time to settle his affairs of conscience. This he repeated two or three times; and the soldiers observed

tertio professus est. Animadvertebant milites, idque crebris inter se usurpabant sermonibus, magnam hodierni itineris partem, longe sereniore ac jucundiore illum fecisse vultu quam pridie fecerat. In conscendendo suggestu, in quo plectendus erat, scalarum gradibus renidenti ore osculum libavit, confirmans se plane acquiescere divinæ voluntati. Cum precibus de more se populi commendasset, statim se revocans, probrorum omnium preces flagitare se dixit, quâ formulâ, ex quo Catholicam sententiam amplexus est, sæpius est usus. Finitâ ad astantem multitudinem supremâ oratione, jam submissurus caput, bis a præfecto quodam militum est interpellatus monente ut Protestantem se mori publice profiteretur; primâ ille quidem vice dissimulavit se audire, alterâ vero increpans molestum interpellatorem, vetuit sibi molestiam exhibere, quod cum Deo, magno ipsius beneficio, jam in gratiam redisset, speraretque per Xti Dñi merita æternam consequi salutem. Tum condonatis ex animo, quas a quolibet accessisset, injuriis, petitâque vicissim veniâ, si quem unquam offendisset; postquam brevi et ardenti oratione seipsum Deo, conjugem, liberos, carissimumque sibi Regem com-

[*Translation*]

that the prisoner discovered much more serenity and cheerfulness than during the preceding day. In mounting the scaffold he had kissed the ladder with a smiling countenance, and said 'that he was perfectly resigned to the divine pleasure;' and then recommended himself to the prayers of all good men. Being admonished by the officer to profess that he died a Protestant, at first he pretended not to hear him, but on the admonition being repeated he desired not to be disturbed, adding, that having by a singular mercy been able to make his peace with God, he trusted, through the merits of Christ to obtain life everlasting. Then, expressing his cordial forgiveness of his enemies, and entreating pardon of those whom he might have offended, in a short but fervent prayer, he commended himself, his wife and children, and his beloved King to the protection of Almighty God. He declared he was ready to die for God, his King and his country; and inviting all

misisset, paratumque se dixisset pro Deo, Rege et patriâ mori; denique venerandum Dei nomen et laudans sæpius invocasset, et res omnes tum sensus et rationis compotes, tum etiam expertes, ad idem secum collaudandum quanto potuit animi affectu invitasset, iterum submisit caput, quod unico securi ictu lictor præcidit.— (*Excerptum ex litteris annuis pro anno* 1651-2-3 *etc.*)

[*Translation.*]

animate and inanimate things to join with him in praising their common Creator, he laid his head on the block, which was severed with a single blow." — (*Catholic Miscellany* for December 1827.)

No. X. — (*See pp.* ccxxxvi., ccxl.)

Traditional Anecdotes transcribed from Brown's History of Bolton-le-Moors, 8vo, 1824–5, pp. 256–60.

THE following traditionary statements are extracted from Brown's *History of Bolton*, which did not proceed further than page 398, and is now an exceedingly scarce volume. How far they may be entitled to credence the Editor will not profess to decide, but he has not considered himself at liberty to omit them in the present biographical collections.

LIEUTENANT Smith, a subaltern officer in attendance on the Earl of Derby, whilst under confinement as a state prisoner in Chester Castle, intimated to his Lordship an expectation he would name a person to complete the sentence of the court martial by beheading him! the tendency of which went to impress an opinion that the Earl was so well-beloved no one could be found sufficiently sordid and unfeeling as to perform that odious office. Nor was the assumption at all extravagant, since it is notoriously known that so strong and general is the aversion to the hateful office of an hangman in Wales, that high sheriffs have often been put to very great shifts to find a person to serve it.

That person was however found in a petty farmer residing on the moor that separates the townships of Darwent and Turton. Upwards of a year since the rumour reached us that the family was yet existent and lived in the vicinity of Astley Bridge; that the axe was yet preserved with which the Earl was beheaded, and the two pieces of gold given to the headsman by his illustrious victim were yet preserved in the possession of the descendants of the executioner. From the account given of the fellow, whose name appears to have been W—w—l, he was of a sullen, brutal disposition, and so far destitute of the ordinary compunction of men performing similar offices that he refused to ask forgiveness of the Earl, or did it in a way so slow and graceless that his pardon was pronounced ere it was solicited. Now, when the man was hired to cut off the head of the greatest subject in England, and the act was legalised by the then existing Government, the ceremony of asking forgiveness might quite as well [have] been dispensed with; still, it bespoke a truly savage heart that could hesitate to yield to such an injunction. The axe is said to have been brought to Bolton in the hands of one of the troopers; to have had a convex blade, very wide, and heavy and keen, and the haft to have been rather short. A very few years since it was exhibited, at least as we are credibly informed, but such displays are stated as being of rare occurrence. Nor is it to be wondered at that the family should shrink from the unenviable distinction, since nothing but odium could be its result. About the year 1812, as one of the descendants of the headsman was crossing the market place of Bolton, he was pointed at by an observer who made use of expressions deeply tinged by prejudice. Thus was an innocent person made to suffer by a solitary act committed by one of his forefathers eight score years before. From a wish to avoid wounding the feeling of his posterity, only the skeleton of his sirname is given, without any specific locality. At music meetings and other rustic festivals this event is sometimes alluded to, occasionally reproachfully, at others by members of the family with jocularity. It happened once that an angry neighbour sang an old Cavalier's song, denouncing ven-

geance against the "black Presbyterians," who had cut off the head of King Charles. A descendant of the Bolton headsman, taking the allusion as a personal affront, arose and angrily exclaimed: "I have *the axe* still by me: it is sharp enough yet to cut off another yed: look to thy own!"

The executioner did not wear any mask: he waited in the house where the Earl had been placed prior to the scaffold being ready. Under the shelter of night it is said he stole away bearing about him the price of blood and the axe stained with the blood of the chief of the house of Stanley.

Immediately after the execution, and whilst yet the block on which the Earl had laid his head was covered by clotted gore, an elderly and respectably-dressed female, residing in a house once a commodious yeoman dwelling, now decayed, let out in tenements, and called *Kesters*, approached the military commandant, and earnestly solicited for the BLOCK! Being close questioned as to her motive for preferring so singular a request, the supplicant replied, "I desire it to put it where '*the malignants*' shall never obtain a single chip." This is the more probable legend: one more generally current runs thus: "I desire to have it because '*the Presbyterians*' shall not have a chip of it."

These conflicting stories do not at all affect the credit of the tradition itself, that the block was solicited by a respectable female, and buried in the garden at Kesters, which is implicitly believed by many aged persons not remarkable for credulity. And were it possible to disencumber these legends of their fabulous or erroneous portions, the result might be something confirming the simple fact of the block on which Lord Derby suffered having been buried at Kesters, but differing from either version in every other particular. The female who preferred this singular request was probably actuated by benevolent motives, and anxious to prevent the blood of a chieftain of the house of Stanley being sold to exulting and insulting foes. The name of this female is forgotten, though the memory of her exploit is so well preserved. A person well versed in local pedigrees affirms his belief that a wealthy yeoman family

of the name of Robinson were, about the period when Lord Derby suffered, owners of the premises alluded to, and the land adjoining; hence he conjectured it might be some one of that name. A person, now more than seventy years of age, remembers when a boy having heard old people talk of the former grandeur of a portion of this house. It was a wainscotted parlour, ornamented with carved work, and having a stuccoed ceiling. About that period (1760) his father, having heard the rumour of the block being buried under a particular yew tree, dug it up by the roots, but found nothing of the kind he sought. Probably he was animated by the hope of finding something more valuable in his estimation than a lump of rotten wood. A woman, said to have been born about 120 years since, told the man of many years alluded to her mother when young had lived servant with Mrs. or Dame Robinson, and gave a melancholy recital of the seizure of all the property at Kesters by the Government, lands, goods and cattle. There was a portrait of this old lady left on the premises long after her decease. A notion prevailed if it were put away from its station in the "grand parlour" her ghost would haunt the premises. In the course of time, having become from want of care dirty and torn, it was thrown with other *lumber* down the adjoining Holm below. An act of irreverence which so disturbed the superstitious mind of the aged woman that by earnest entreaties and expostulations she prevailed on the tenant to fetch it from the dunghill, cleanse it from filth, and replace it in its old station over the fire-place. What seems to connect this female with the fate of the Earl of Derby is the positive assertion of the son of the tenant who dug up the yew tree in hopes of finding the block, that a curious delft-stone jug, from which, tradition says, the Earl of Derby took a draught of water on the scaffold just before he was beheaded, and supposed still to be preserved, was long deposited here. Hence it passed into the hands of a person named John Ward, who lived in a cottage near Church Bank. From his acquaintance with a descendant of the Seddons, of Bolton, and his opinion that a close connexion had subsisted between Lord Derby, who suffered at Bolton, and the sons of

Ralph Seddon, of Outwood, he gave this jug to Richard Seddon, from whom it passed to his daughter Alice, who married John Butterworth. On her death-bed Alice Butterworth gave this highly-valued relic to her daughter Ann, who married a person named Townly. Ann Townly is now living in Charles-street, Little Bolton. At the earnest request of Edmund Seddon, who lived many years in Little Bolton, Ann Townly gave him this jug, and, as she declares, upon his positive engagement to return it to her at his death if she survived him. But upon Edmund Seddon reciting the history of this jug to the late Mr. Bullock, M.A., late curate of All Saints' Chapel, Little Bolton, at his request Edmund Seddon gave him the "*Derby Jug*," to the great regret of Ann Townly, who earnestly wished its restitution, intending to bestow it upon her cousin, John Seddon, of Little Bolton. That Lord Derby, when he was upon the scaffold, asked for a draught of water is very probable; that the jug now in possession of the family of the late curate of All Saints' Chapel is the identical vessel which has been so many years preserved is ascertained almost with legal precision; but there exists a formidable chasm between the period when Lord Derby was executed and the time of its passing into the hands of John Ward. The jug appears capable of holding three pints or upwards; is large round the centre; much less at the top and bottom; the colours blue and brown; has one handle, no spout; ornamented with lozenge-like figures in bas-relief. Such were formerly called delft ware, and it may be of Dutch fabric. The Seddons, of Little Bolton, did not seem aware that the vessel spoken of had ever belonged to any one at Kesters; but the aged person spoken of at the beginning of this narrative relative to Kesters went on twelfth day, 1825, to see it at Mr. Bullock's, who recognised it as exactly resembling if not the identical vessel he had seen three score years before preserved with great care at Kesters.

These incidents relate to a female said to have dwelt at the east end of Bolton in 1650. From another quarter a tradition reached us, that as Lord Derby was entering into Bolton at the western

extremity, he stopped at a cottage near Spaw-lane (where a family named Manchester dwelt half a century since), and then inhabited by two single women, and speaking kindly to them, bade them a last adieu, and handing them a cambric handkerchief, told them to have it steeped in his blood, and preserve it for his sake. These certainly are but vague traditions, yet worth gleaning, because it may be relied on they are not recent inventions.

No. XI. — (*See pp.* cxxxix., ccxcviii.)

Notice of James Seventh Earl of Derby, in a MS. "History of the Isle of Man," written in the seventeenth century. Of this work two copies exist, in folio; one in the library at Knowsley, and the other in the possession of Charles Wicksted, Esq., of Shakenhurst, Bewdley, in the county of Worcester. See also Notes and Queries, 3rd series, pp. x. 330, 440.

THE Right Hon^ble James Earl of Derby, late Lord of Man (who, as I was informed, by patent was by our King Charles 2^d created Duke, but the patent in the broyl at Worcester A^no 1651 miscarried, and we since hear no more of it) was tenth by descent and the eleventh by succession, without any interruption or discontinuance, from Sir John Stanley, Knight, to whom King Henry the fourth gave the island A^no Dec. 1403. The late long Parliament reassumed the same out of this line into their hands A^no 1648. So as the possession of this island hath continued in the name and family of the Stanleys for the space of 246 years (which if my authors do not misreckon) is almost fourscore years more than the Danes and Norwegians.

It hath been observed by the late Lord Bacon that three things do actually tye the affections of the subjects to their Sovereign, namely, Love, Fear, and Reverence. The Lord James had the first in its hight; the last in great measure, but for the second he seemeth to have been beholden to his Governour, for through his

activity he was more particularly obeyed in Man than the King of England was in any of his 3 dominions, for the laws there against refractorys are very strict as I shall more fully set forth when I shall insist upon the Governours duty, and in point of prerogative was scarcely put in execution, so as thereby I was enabled to make this observation that the Lords Governour was there feared and loved, his other officers were loved not feared (having no power over the Manksmen). The Lord himself was both beloved and feared. The Governour in this Island is the Lord's Skreen. All y^e^ discontents of the Manksmen reflect upon the Governour, not upon the Lord. I observed further that the Island of Man is better governed by the Lord's Governour than by the Lord himself if the Governour be wise and honest.

Though the Lord's commands are most absolute yet his residence there seemed to be but as in refugio, as a retiring place from the noise and troubles which were then in England, and especially in Lancashire, his own shire. He externally ordered all things by his Governour, even during the time of his being there.

This Lord seemed little respective either of State or Majesty; in his deportment, retinue and other formality he expressed rather the representation of an Earl of England than of a Prince or absolute Lord in Man. By his affability and liberality he became very popular, and had gained the affections of the Islanders more by the latter (as I presume) rather than the former, for I believe demonstration might be made that he gave more donations and pensions than any of his ancestors and predecessors had done before. But if you add to this what he expended in building, repairing and maintaining the Castles, Forts and other Fortifications within the Island, wherein he rivalled if not outdid all that had preceeded him, whereby he hath more fortifyed the Island than any of the Kings or Lords that were before him.

No. XII. — (*See pp.* cli., ccxcvii.)

Letter of James lord Strange to Mr. ffarington.

THE following letter confirms the estimate of the earl's character as a good landlord, who had firmness enough to maintain his own rights without forgetting what was due to his tenants.

MR. ffARINGTON, — Though I conceived by you at Lathom y^t^ my Whitsuntide tenants of Weeton and Trayles were agreed to take their leases as was proposed; but since, I understand they are otherwise advised, and by being refractory, froward tenants, will enforce me to be a seuere landlord, which I am loath to bee. They have brought back to my officers the draft of the lease with many curious, needlesse, marginal exceptions. I have qualified more than in reason is needed, what they except unto, and doe desire you will take paines to goe to Weeton and Trayles and call the tenants before you; copy, and read over the lease as it is now drawn, unto them, and such as are willing to take leases in this way, take notyce, that their leases may be so made. The others y^t^ endeavour to rest upon their contracts, let them be advised what their contracts are, and if they wrong themselves they will repent. And howsoever, let them be assured I will expect payment at the times agreed on, according to their bonds, and I shall account them refractory tenants if they have occasion to use my favo^rs^ hereafter. I have sent to Mr. Marshall[81] to attend yo^u^ thither, and soe I rest,

Your assured louing frend,

STRANGE.[82]

Knowsley, 15^th^ of October, 1637.

For my louing frīnd M^r^ William ffarington this L. with speede.

[81] The clerk marshall of the earl's household.

[82] From the original at Worden hall. *Vol. MS. Letters.*

No. XIII. — (*See p.* cclxvi. *et seq.*)

The last Will and Testament of James earl of Derby, and of Charlotte countess dowager of Derby.

GOD the Father, God the Soune, and God the Holy Ghost be now and ever my guide and director: in whose name I James Stanley, Earle of Darby, Viscount Kinton, Lord Stanley and Strainge, Knocin, Lord Mohun, Burnett, Bassett and Lacy, Lord of Man and the Isles, Captaine generall of all his Majestics forces within the Counties of Lancaster, Chester, Salop, Stafford, Worcester and North Wales, Chamberlane of the County Pallatyne of Chester and Knight of the moste noble order of the Garter, being wholly sound in mynde and body, and of good and perfect memory (praysed be the God of heaven therefore), doe ordaine and make this my last will and testament in forme following. First, I commend my soule to Almighty God, my Maker and Redeemer, trusting by the meritts and passion of Jesus Christ my onely Saviour, the same shall be saved: and my body to Christian buriall in my chancell att my parish church of Ormeschurch in the usuall place where my ancestors lye buried there. And concerning the disposition of my worldly goods and estate, my will and mynde is as followeth: in primis, I give and bequeath to my moste gratious sovereigne and liege lord Charles, the second of that name, one cupp of fine gold of the value of one hundred pounds, humbly beseechinge his Majesty, if God shall call me out of the worlde before I see my estate settled by his grace and favour, my cheife honor and estate may discend upon my sonne Edward and his issue male, and in default of him upon my sonne William and his issue male, or in default of any such issue uppon my daughter Mary and her two sisters Katherine and Amelia successively, and this by reason of my just sence against Charles my eldest sonne for his disobedience to his Majesty in the matter of his marriage, as his Majesty well knowes, and for his goeing to joyne with the rebells of England att this tyme to the great greife

of his parents by which he hath brought a stayne upon ther blood if he were permitted to inherritt, but by his Majestyes great goodnes this may be prevented, if according to this humble desire of myne in the manner before and hereafter expressed his Majesty will approve there of, for soe the untaynted honor of a loyall family shall be preserved in my posterity. Item, all such debts as I shall truly owe att the tyme of my death, and my funerall expences, shall be first payd and defreyed out of my personall estate: next, that my loveing wife shall have all her apparell and her and my jewells and her chamber furnished of the whole, and a third part of all my goods, cattells and chattells that then remaine being due unto her by law or custome: and of the residue of my goods, chattells, cattells, debts, creditts, personall estate, I give and bequeath unto my sonne Edward thirty thowsand pound sterling, unto my sonne William twenty thowsand pound sterling, unto my daughter Mary twelve thowsand pound sterling, unto my two daughters Katherine and Amelia and to every such childe or children as I shall have hereafter borne upon the body of my sayd wife, or where with my sayd wife shall be priviement insent att the tyme of my death, to each of them tenn thowsand pounds for ther marriage portions or preferments out of my personall estate if the same will soe farr extend; but for want thereof all my sayd former legacies as alsoe what are hereafter bequeathed in this my will I doe ordaine to be payd out of the yearly rents, fynes and proffittes of all my lands whatsoever, soe soone as conveniently the same can be raised by my executors. And where as I have by indenture dated the tenth day of July anno regni regis Caroli secundi, Angliæ etc. tertio 1651, demised and granted unto S[r] Edward Nicholas knight principall secretarie of estate to his Majesty,[83]

[83] Sir Edward Nicholas, a man of perfect integrity and honour, and a faithful adherent of Charles I. in his troubles, was born in 1593, and died in 1669. He was principal secretary of state to Charles I. and II., and after the surrender of Oxford to Fairfax he retired to the prince of Wales (afterwards Charles II.) then at Jersey. He afterwards lived chiefly at Caen with Hyde until the Restoration.

S^r^ Phillipp Musgrave knight and barronett,[84] S^r^ Edward Savidge knight,[85] Edmund Windham esq^r^,[86] and John Laborne gent.[87] all my castles, manors, messuages, lands, tenements, rents, reversions, services, rectories, tythes and hereditaments whatsoever sett lying and being within the kingdome of England, the principallety of Wales and the ile of Man, and every or any of them, to hold to them ther executors and assignes for and dureing the tearme of twenty yeares from the makeing of the sayd indenture, upon trust and confidence that they shall permitt and suffer me the sayd Earle of Darby and my assignes to have and enjoy the sayd castills, manors, lands and premisses and the issues and proffitts thercof to receive and take dureing all the sayd tearme of twenty yeares if I soe long live, and if I dye within the sayd tyme and that they shall dispose of the rents and proffittes of the sayd lands and premisses, and permitt and suffer the same to be enjoyed and taken by such persons and in such manner and forme and under such limitations, uses, conditions and provisoes as I the sayd

[84] Sir Philip Musgrave, second baronet of Edenhall, in the county of Cumberland, M.P., a zealous royalist and commander-in-chief in Cumberland and Westmoreland, and appointed governor of Carlisle. He raised a regiment of foot in Cumberland, and became its colonel, and in 1645 was taken prisoner at Rowton Heath, near Chester. He served with lord Derby at Worcester, and defended the Isle of Man to the last under lady Derby. At the Restoration he was raised to the peerage as baron Musgrave, but never took out the patent. He died in 1678, aged 70, and was ancestor of the present and tenth baronet. His relationship to earl James came through his grandmother, who was the daughter of Thomas lord Clifford.

[85] Sir Edward Savage, a son of lord Rivers by his wife Catherine, daughter of William lord Morley and Monteagle.

[86] Edmund, one of the five sons of sir Thomas Windham, of Trent, in the county of Somerset, knight, descended from the family of Orchard Wyndham. His brothers were all actively employed for Charles I., and colonel Francis Windham, the eldest brother, conducted Charles II., after the battle of Worcester, to his seat at Trent, and was created a baronet in 1673, which title expired in 1719.

[87] John Laborne of Cunswick esq., connected with the Stanleys through the lords Monteagle, was twice married, and had a large family. He removed to Witherslack, which estate he purchased, probably from the sequestrators, during the distresses of the Derby family in the Civil Wars. He died in 1663. — *Nicolson and Burn.* vol. i. p. 145.

Earle of Darby shall by any of my act or acts executed in writeing in my life tyme in the presence of three witnesses att the least, or by my last will and testament in writeing declare, lymitt or appoint: now, my will and mynde is, and I doe by this my last will and testament accordingly and in pursuance thereof declare lymitt and appoint that the sayd S^r^ Edward Nicholas, S^r^ Phillipp Musgrave, S^r^ Edward Savidge, Edmund Windham and John Labourne ther executors and administrators shall permitt and suffer my sayd loveing wife to have and enjoy dureing the whole tearme to them granted, if shee live soe long, all such mannors, lands, tenements and hereditaments as were by the right honorable William Earle of Darby my father and my selfe, by indenture dated the first day of June in the fourth yeare of the raigne of our soveraigne lord King Charles the first, of blessed memory, late deceased, and by fynes and recoveries assured granted and conveyed to or to the use of my sayd loveing wife, for her joynture. Item that they shall pay likewise yearly to the Lady Stanley and my late brothers children the yearely payment of six hundred pounds according as the same is limitted to be payd unto them by the King's Majestye's award. Item that they shall pay such annuityes or yearly pensions as I shall hereafter as I shall by my act or acts in writeing under my hand and seale publish in the presence of three wittnesses att the least grant, limitt or appoint to any servant or other person according as I shall grant lymitt or appoint the same. Item my will and mynde is, and I doe, further, hereby declare, lymitt and appoint that if the remaine of my personall estate after my decease debts funerall expences and my sayd loveing wife part of the personall estate deducted will not suffice to satisfie my sayd children before mentioned the portions and prefferments I have here to fore herein allotted given and bequeathed unto them, then and in such case the sayd S^r^ Edward Nicholas, S^r^ Phillipp Musgrave, S^r^ Edward Savidge, Edmund Windham and Thomas Labourne ther executors and administrators after my loveing wifes sayd joynture the rents before mentioned to the sayd Lady Stanley and her children, and

the annuities or yearly pensions by me to be granted being deducted, shall imploy the remayne of the rents, fynes, issues and proffitts of the sayd landes tenements and hereditaments soe leased unto them, to my kindred before mentioned to suply make upp ther marriage portions and prefferments soe formerly by me devised unto them, and that these portions and prefferments suplyed and made upp, then my will and mynde is, and I doe further declare lymitt and appoint that the rents fynes issues and proffitts of all my lands tenements and hereditaments whatsover shall be imployed and disposed for the mayntenance and preffermment of my sonne and heire Edward and the heires males of his body; and for want of such issue to the use of my right heires successively as is formerly declared in this my sayd will, saveing and except that if I shall hereafter by any codicell or codicells in writeing which I shall appoint to be affixed to this my last will and testament I doe give and bequeath any legacies or bequests to any person or persons then I doe declare lymitt and appoint that the sayd legacies and bequests soe to be given and bequeathed in and by the sayd codicell and codicells shall be satisfied and payd out of the rents issues and proffitts of the sayd mannors messuages, lands, tenements and hereditaments next after my sayd childrens before mentioned portions and prefferments shall be satisfied suplyed and payd, and saveing and except that my will is, and I doe hereby declare lymitt and appoint that my sayd loveing wife whom I have appointed to be guardion and have the tuition of my younger children and ther estates in ther minorities shall have and receive of the rents fynes issues, and proffitts for the sayd lands and hereditaments soe leased, as afforesayd, the summe of four hundred pounds yearly for mayntenance of my sayd younger children from the tyme of my death untill such tyme as my said children to whom I have given portions shall have ther sayd portions raysed and payd. Item my will and mynde is and I doe by this my last will and testament comitt such of my children as shall att the tyme of my death be under age dureing ther minorities unto the care, education, breeding, guar-

dianshipp and bringing upp of my sayd loveing wife, and that shee shall have the tuition and government of them and ther estates dureing ther minorities: and I hartely desire her that shee be diligent in educateing and bringinge upp our sayde children in the feare of God, soe shall God be unto her a husband and to her children a father. Item I doe ordayne and make my sayd loveing wife and my cozen S^r^ Phillipp Musgrave my executors of this my last will and testament, and I doe moreover give unto her the summe of five thowsand pounds to be payd unto her in such manner and forme as the other legacies formerly given and bequeathed in this my will out of the rents fynes issues and profitts of all my lands tenements and hereditaments whatsoever. I doe nominate overseers of this my last will and testament my noble friends ——— Earle of Arundell[88] and Francis Lord Cottington,[89] intreateing their paines and assistance to see this my will performed. In wittnes I have hereunto put my hand and seale and published this as my last will and testament the first day of August, anno Domini 1651. J. DERBY.

[88] Henry Frederick earl of Arundel, son of Thomas earl of Norfolk and earl marshal by his wife lady Alethcia Talbot, daughter and eventually sole heiress of Gilbert seventh earl of Shrewsbury. He was born in 1608, and died in 1652, and in 1664 his son Thomas was restored to the lost dukedom of Norfolk, together with the original precedence of his ancestor John, the first duke.

[89] Francis lord Cottington was the second son of Philip Cottington of Godmanstone in the county of Somerset; born in 1574, and died aged 77. He accompanied sir Robert Cecil, earl James's maternal grandfather, to Spain, and remained at Valladolid eleven or twelve years. In 1623 he accompanied prince Charles and the duke of Buckingham to Spain, as secretary. He was clerk of the council to Charles I., under treasurer of the exchequer and master of the wards. He joined the king at Oxford and was made lord treasurer. He retired to France and was living at Rome in 1648 when sir Edward Hyde joined him, and they travelled together to wait on the prince at the Hague. He married Ann, daughter of sir William Meredith, by whom he had a son Charles, who died young, and a daughter Ann, contracted to Charles lord Strange (see p. cclxix *ante*). He died abroad, but his remains were buried in Westminster abbey. Clarendon says, "He could not be said to be ignorant in any part of learning, *divinity only excepted*," and the wonder is that his repeated changes of religion, for he was a Protestant and Romanist by turns, did not end in his becoming an infidel. He was a great "dissembler," and it is very likely that earl James was one of those deceived by him. See lady T. Lewis's *Clarendon Gallery*, vol. iii. p. 344.

Sealed, signed and published as the last will and testament of the within named Earle of Derby in the presents of Sa: Rutter, And. Brome, Humph. Bagerley, Daniell Trioch.

Memorandum that all the interlyneings in nomber five were seene and viewed by the wittnes before the signeing and sealeing here of. Sa: Rutter, And. Brome, Humphrey Bagerley, Daniell Trioche.

IN the name of God, Amen. I Charlott Countesse of Derby doe make this my last will and testament as followeth. First, I commend my soule to Almighty God, trusting to bee saved by the merritts of Jesus Christ, my Saviour, and my body I commend to Christian buriall, to bee buried neare my deare lord and husband in the parish church att Ormkirke in Lancashire, if it may bee, without any unnecessary expence. And, as touching my worldly estate wherein it hath pleased God of His secrett will and pleasure, yet most justly, to mingle a great portion of afflictions and crosses to mee in my latter time, to whose justice and mercy I most humbly and patiently desire to submitt, I thus dispose of it: first, I will that the trustees of the rectory of Ormskirke and the lordshipp of Mallors and of the mannor of Eusham shall pay their debts thereupon chargeable; viz^{t}, two thousand and three hundred pounds, residue of foure thousand pounds which I payed for the first payment of my composition with dammage for the same in discharge of S^{r} Orlando Bridgeman who is bound for the same; as also two thousand and five hundred pounds to my daughter the Lady Mary Stanley due unto her with such interest as shall bee behind for the same at the time of my death: allso that the trustees for the mannors of Thirsk, Kirby Malzard and Burton in Yorkshire shall pay the debt thereupon chargeable, viz^{t}, one thousand pounds due to M^{r} Nevill with the interest thereof, and that the residue of the said mannors and lordshipps in Yorkeshire, and of Eusham and Malors and the sayd rectory of Ormskirke shall bee thus disposed; I will that the remaine due to mee after my Lord Dorchester taken out of Eusham and Malors and

the rectory of Ormskirke and Burton shall bee sould and out of the proffitts thereof and money raysed by saile that there bee paid to my daughter the Lady Mary, over and above the two thousand five hundred pounds due unto her, the summe of six thousand five hundred pounds to make up her portion nine thousand pounds: also I will that there bee paid to my daughter Emile three thousand pounds for her portion: for the mannors and lordshipps of Thirske and Kerbie Malzard I give them to my sonne Edward and the heires males of his body, remainder to my sonne William and the heires males of his body; and I desire, as farr as may be, the said charge of one thousand pounds upon the same may bee paid of by the saile of some of the other lands appointed to bee sould. All my estate which I have in Holland I give to my sonne William, but in case my sonne Edward shall conceave my estate in Holland to bee more for his benefitt, then the lands by mee given unto him, then I will that at his election hee may have my estate in Holland in lieu thereof, and then my sonne William shall have the mannors of Thirske and Kirby Mallzard to him and the heires males of his body, with remainder to my sonne Edward and the heires males of his body. And I will in case there bee otherwise sufficient, and that my said daughter's portion bee raysed that Burton and the surplusage of the land to bee sould shall goe according as the rest of the Yorkeshire lands is limited. And I doe desire all trustees for mee to make sales and settlements according to this my will as soone as may bee. I give to my sonne Charles, Earle of Derby, five pounds. I give to M[r] Samuel Rutter fourty pounds a yeare dureing his life if hee bee not provided soe much by mee before my death, to bee paid him or bought for him out of the moneys raysed by sale of the said lands by mee appointed to bee sould. I doe appoint S[r] Orlando Bridgeman[90] and John Rushworth Esq.[91] executors of this my last will

[90] Afterwards lord chief justice.

[91] He had been secretary to lord Fairfax, and seems to have been admitted to the confidence of the countess of Derby on his losing his presbyterian ally. His *Historical Collections* in eight vols. are valuable, although Dr. Nalson has proved that Rushworth

and testament, desireing them to take care for my children that they may have what I intended to them. Signed, and published for my last will this second day of May in the yeare of our Lord one thousand six hundred fifty and foure. C. DERBY.

Signed, sealed and published as my last will in the presence of Sa: Rutter, Daniell Trioche, Isaac Swift.

June 28, 1664. Adm. granted by the Exchequer Court of York to Henry Ashton gen., with consent of Wm. Lord Strafford and Wm. Stanley Esq., the executors renouncing, the will being proved 5 May 1664 by John Wainewright, doctor of laws, vicar-general of George Bp of Chester, and the original document "ibidem remanet de recordo, ut asseritur." And in 1669 there was a further administration granted by the Prerogative Court of Canterbury to Henry Earle of Dorchester and Katherine his wife, and William Earl of Strafford and Henrietta Maria his wife, as next of kin.

No. XIV. — (*See pp.* clviii., cclxxi.)

To y^e^ Hon^ble^ y^e^ Commiss^rs^ for compounding w^th^ delinquents.

The humble Petition of Charles Lord Strange, Edward and William, Henrietta-Mary, Katherine and Amely, sons and daughters of James Earle of Derbye,

Sheweth:

That yo^r^ Petition^rs^, by y^e^ grace and favo^r^ of Parliam^t^, and by virtue of an order of y^e^ late Committee of Lords and Commons dated the 8^th^ of Sept^r^ 1647, being allowed the 5^th^ part of their father's estate for their maintenance and education, had it paid them accordingly untill new Commiss^rs^ for Sequestration were

was too strong and unscrupulous a party writer to be always trusted. His *Collections*, at least, furnish us with one side of the question, and as he presented the first part of his work to Cromwell, we cannot suppose that it is very impartial. Rushworth died in 1690, aged 83, in great poverty. After the Restoration he became secretary to sir Orlando Bridgman, and it is curious to find such a man, before that event, trusted by lady Derby.

named in y^e^ countrey, who now demurche[92] the payment of all arreares due unto yo^r^ Petitioners in y^e^ tenants and agents' hands untill they receive y^e^ directions and commaunds of this Court in y^t^ behalfe.

Wherefore yo^r^ Pet^rs^ doe most humbly pray these Hon^ble^ Commiss^rs^ to grant out such an order to y^e^ Commiss^rs^ for Sequestration whereby they may be authorized to pay all arreares due unto yo^r^ Petitioners now in the tenants or their agents' hands.

And yo^r^ Petitioners shall ever pray, &c.

HENRIETTA-MARIA STANLEY.	CHARLES STRANGE.
KATHERINE STANLEY.	EDWARD STANLEY.
AMELY STANLEY.	WILLIAM STANLEY.[93]

13 Aug. 1650.

[Inscribed with this date is an] Order for the arrears since 24 Dec^r^ last to be paid and the 5^th^ part for the future.[94] This order was afterwards either rescinded or disregarded. — (*See p.* cclxxi.)

No. XV. — (*See p.* ccxl., *note.*)[95]

To the Glorious Memory of the Blessed Martyr, James, Earle of Derby. — (*From the* 4to vol. *Knowsley.*)

HAILE honour'd vault! thou sacred dust!
Cleane as the Stanleys name, that must
Æternize you, and give to death
Ranke, though it be, a sweeter breath,

[92] Sic. [93] All autograph signatures.

[94] Royalist Composition Papers, vol. xix. first series.

[95] Although no monument was erected to the earl's memory, his brother, sir Robert Stanley (see *ante* pp. li–lv), was commemorated according to the fashion of the time, in a poetical inscription on an altar tomb in the old church of St. Luke, Chelsea, where he was buried. The monument is of yellow-veined alabaster, and is seven feet three inches long by twelve feet high. In the middle is an urn containing the Stanley arms on a shield, and at the base of the urn is an alto-relievo portrait of sir Robert Stanley. On either side are two smaller urns, the square basis being decorated by portraits of the two children of sir Robert. There are figures of Justice bearing a

Than spices suckt from Eastreue ayre,
Or any place but where you are;
For balmes that other bodyes keep,
Are kept themselves where you doe sleep:
Marvell not, holy urnes, if now
By kind or cruel fate, or how
I know not, your brave sonne appeares,
All gored in blood, and bath'd in teares,
To take his lodging up and lie
In your untainted company;

sword and an emblazoned flag, and Fortitude holding a crown and an emblazoned shield. Round the edge of the black marble slab, which forms the base, is inscribed:

Sir Robert Stanley, second son of William Earle of Derbye,
Who deceased 3d January 1632.

The whole stands upon a sarcophagus-formed base. The middle slab bears no inscription. The two outer ones of black marble are thus inscribed:

To the faire memorie of the truely honorable Sr Robert Stanley Kt of the noble Order of the Bath, and seacond sonne to ye right Honble William Earle of Darbie, who deceased ye 3 day of January, Ano Dñi 1632.

To say a Stanley lyes here, that alone
Were Epitaph enough, noe brass, noe stone,
Noe glorious Tombe, noe monumental Hearse,
Noe Heralds' blazon, and noe Poets' verse,
Can dignifie his Grave, or sett it forth
Like the Immortal form of his own worth:
Then, Reader, fixe not here, but quitt this Roome
And flye to Abram's bosome — there's his Tombe;
There rests his soule; and for his other parts,
They are embalm'd and lodg'd in good men's hearts.
A braver monument of Stone or Lyme,
Noe arte can rayse, for this shall outlast Tyme.

To ye lastinge memorie of two of his children, that is to saye, Ferdinando Stanley, his sonne, and Henarite Marie Stanley, his daughter, who lye buryed within this his sepulcher:

The Eagle Death griedie of some good preye,
With nimble eyes found where the Infants laye;
He truste them in his Tallents and conuedye
Their Soules to Heaven, and here theire ashes layde.
Lett no prophane Hand then theire Relics seuer,
But as they lye soe lett them rest for ever.

This monument was restored by the earl of Derby in the year 1858.

For though his noble blood was spilt
By colour of black treason's guilt;
Yet know we call not bad or good,
As in your dayes was understood;
The silly virtues of your times,
Our wiser age hath made our crimes;
Wee believ'd histories, and there,
Wee read how true the Stanleys were:
But since this man was made, we know
A rebell, for not being soe;
And by new stile of language found,
For having ne'er been false, unsound.
Pardon us if wee sweare that you,
Blest soules, have all been traitors too.
But stay; your peacefull shrines must heare
No more of this; and you that weare
The white to shew your iñocence,
(Soe taken in the good old sense,)
Doe not disdaine if he that bled
Come here to dye you all in red;
How well it must you saints become,
To be dip'd in his martirdome.
You lov'd your princes, and y^e^ end
For which you liv'd was to defend
The power that made you great to be,
Worthy of this posteritie;
But if your waking spirits flew,
That day aloft, when, with a few
Great Derby mounted on his cause,
Fought for his country, king and lawes;
Resolv'd, our little light grown dim,
Shou'd ne'er goe quite out without him;
You'll say that you did but begin
What he made perfect and have bin;
('Tis all that reason can afford,)

Majesties bucklers, he the sword;
Oh! where's the fortune y^t^ was wont
To waite on you, and give accompt
Of all your actions, bidding fame
To write them fair upon your name?
What! must his valour be denied
Success, to satisfie the pride
Of angry fates, who set it downe
For law, no bays without a crowne.
Making his loss a public harme,
Three kingdoms leaning on his arm.

Poore destinies to govern warres,
Yet suffer him to topp your starres;
And change to triumph what you meant,
By fond mistake, his punishment;
So did he ride, his chariot drawne
By tigers tam'd, now taught to fawne.
Upon the greatness of his soule,
Brute passions all at his controule;
Rage turn'd to pitty, scorn to feares,
Hard and cold hearts dissolv'd to teares;
His guard march'd like poor conquer'd thinges,
Who just before cou'd spitt at Kinges;
He put them on new garbes, and none
Of that dayes manners was their own.

A triumph such as one might see
After some Indian victorie,
Where savage beasts first learne to kneel,
And slaves walke chain'd to th' chariot wheel;
A glorious day, no grieffs might dare
To darken what his lookes made faire;

But as the valiant Israelite,[96]
In vision saw before the fight;

[96] Gideon. See Judges, vi. 39.

His fleece by wonder, dry, and round
About the place a water'd ground;
So stood unmov'd this gallant peere,
Whilst sorrow made all deluge there;
And yet, as when with hottest rayes,
A clear sun his full strength displayes;
On some thick cloud, that dares resist,
There shewes a kind of bloody mist;
So did his clearness then arise,
And dart upon the peoples' eyes;
That none did ever see, they say,
A bloodier and a fairer day;
Fix'd in the sweetness of a mind,
Free from all guilt and fear, we find;
His boldness now bowing to none,
But to his God, and him alone:
And as triumphing consuls thought
Their glories greater when they brought,
Their crowns to th' temple, and as meet,
There laid them down at great Pan's feet:
So after all this triumph, he
(A servant still to majesty)
Before his God fell on his face,
At which the genius of this place,
This reverent vault fetch't him away,
T' enthrone him where the Stanleys lay;
Whose ashes whisper their desire,
From his warm blood to take new fire;
And light a blinded world to see,
This blessing of their loyaltie.

Finis. S. R.[97]

[97] The initials clearly indicate the poet to have been Samuel Rutter, archd. of Man.

No. XVI. — (*See p.* ccx.)

THE following contemporary Memorandum is written in one of the volumes of earl James's *Diary and Devotional Writings*, and is the only entry in the book not made by the earl himself. The handwriting is bold and hurried, but scholar-like, and is probably Rutter's.

OCT. 15. My L[d] died 1651, at Bolton, the martyr[98] of the church, of the king, and of the people, for asserting of the Lawes and right of each. May that bloud of his there and then poured forth beare seed in proportion to the mustard seed, for — *sanguis martyrum est semen ecclesiæ* — and looke with mercy, Lord, upon the afflictions of Church, State, and People, and the distresses of his family, and graunt this, Lord, I beseech Thee for Jesus' sake, our only Lord and Redeemer, to whom with Thee, O Father and the Holy Ghost — one God — be prayse and Dominion, now and for ever. Amen.

No. XVII. — (*See p.* cclxxvii.)

The following Ode, performed in the University Theatre, Oxford, in June 1853, on the Installation of the Right Honourable the Chancellor, was written by the Rev. Thomas Legh Claughton, M.A., professor of poetry and vicar of Kidderminster, and well merits preservation.

AS when a mother home from some far clime
Welcomes her son,

[98] If not canonized in our calendar, like his royal master, he had a solemn service annually on the 15th of October, in the church of the Isle of Man. — See Keble's *Life of Bishop Wilson.*

> ——— Be just and fear not.
> Let all the ends thou aim'st at be thy country's,
> Thy God's, and Truth's; then if thou fall'st,
> Thou fall'st a *blessed martyr.*
>
> *Henry VIII.*, act iii. sc. 2.

Who in the strife of men for masteries
By bold advent'rous deeds of high emprise
Hath well fulfill'd the promise of his prime —
Ev'n thus Oxonia welcomes back to-day,
With plaudits loud and pomp and bright array,
One who her fairest meed of praise hath won.
Skilful erewhile to weave the flowers of song,
He wand'ring woo'd with soft Virgilian strains,
Isis, thy pleasant fields and groves among,
The tuneful Nine;
And, duteous, offer'd here at Learning's shrine
The first-fruits of his sweet poetic pains.

But these delights his ardent soul forbore:
Full well he knew
That whoso would achieve a nobler prize
And wield a mighty nation's destinies,
From heights serene the world's vast field must view:
Dwell with the pure and just in every age,
Drink in their burning words; in hist'ry's page
The wide far-stretching wondrous past explore;
Men, maxims, countries, laws therewith compare;
Trace in th' ungovern'd heart's deprav'd desires
The wasting fires
That desolated cities great and fair;
In peaceful happy states progressive see
The glorious dawn of Truth and Liberty.

Nor yet alone within these ancient walls
Learnt he this lore;
For ere he left his old ancestral halls,
Hung round with portraits of the good and great,
Who in the storied ages long before
Imperill'd land and life for England's state;
Beheld from donjon keep and turret hoar
Spears wave like corn, and streams run red with gore—

Oft, as from honour'd lips their praise he heard,
A spirit stirr'd
Within his youthful breast; he felt the fire
Kindle through all his veins, the strong desire
To live as they had liv'd, for truth and good,
To strive as they had striv'n, ev'n unto blood.
For who of Stanley's line could ere forget
That woful day,
Remember'd still in many a mournful lay,
When Derby's Earl, through Bolton's thronged street
On a vile palfrey rode, that death to meet,
Which he had courted oft on fields of strife,
The patriot's meed and crown? Ears tingle yet
To hear his words, the last on earth he spoke
Ere fell the stroke
Which tore that noble heart from love and life.
Thus sang the Martyr, as his failing eye
Sought still, through Death's dark mist, God's sanctuary,
"Praised be His Holy Name, for ever and ever. Amen.
"Let the whole earth be filled with His glory."

And where was she, thy mate and true compeer,
When thou to God
Didst render up thy soul and kiss the rod?
In lonely sea-girt isle afar she sate
Waiting the dreary tidings of thy fate;
Hemm'd in with traitors, full of Grief and Fear —
Not as when erst in Lathom's leaguer'd tower,
Knowing that God could curb unrighteous power,
Unmov'd she heard the storm of battle roar!
The winds that whisper'd round the citadel —
The waves that rippled on the rocky shore —
The sea-bird's shriek
Had something in its tone, that seemed to tell
How traitors on her lord their wrath did wreak.

Shades of the mighty dead!
If in those spheres sublime,
Where spirits rest from earthly toil and care,
Some dim and distant sense
Of mortal hopes and fears
Thrills through the peaceful mansions of the blest —

If, as on earth we trace
Through azure fields of light
The swift-revolving courses of the stars —
So souls that dwell apart
In mirrors clear behold
The ever-varying phase of human destiny —

What sweeter, purer joy
Can blessed spirits know,
Than when the children of the wise and good
Walking in Holy Truth,
By pious upright deeds
Recall the glorious Past, and emulate their Sires?

Hail we then now in Oxford's honour'd lord,
Great Derby's heir,
The virtues that adorn'd his patriot sire!
(And now, O Pow'r unseen, our song inspire!)
The fear of God alone to be adored —
The love of man, that spurns ignoble pelf,
Regarding others ever more than self —
Honour, as fair
As virgin purity; — courage, as bold
As that which marked the eagle's race [99] of old —
Eloquent words, to plead the righteous cause —
Zeal, to maintain his country's sacred laws —
And that which, lacking, marreth all renown,
Firm loyalty to her who wears the crown.

[99] Alluding to the legend of the Eagle and Child, the crest of the family.

Such be thy sons, Oxonia; such as he
Whom we to-day
At this our high and solemn festival,
With honour due to worth, as Lord install.
[Go forth! again thy strength in arms essay,
True heir of England's old nobility!
None worthier found in all the land than thou
To wear the coronet that decks thy brow!
We give thee weapons, tried and prov'd, to wield —
Go forth, with this emblazon'd on thy shield,
"God is our Light."
Bear in thy hand, sharper than two-edg'd sword,
The open volume of His written Word —
Go forth and prosper! God defend the right!] [1]
Praise our God,
All ye His servants, and ye that fear him.
Rev. xix., 5.

[1] The lines inserted between brackets were not sung.

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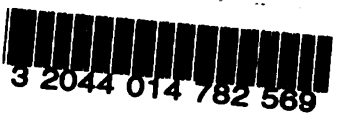
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